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UNIVERSITY OF CALIFORNIA  
AT LOS ANGELES



# Proposed Charter

FOR THE

City of St. Louis

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Prepared by the

Board of Freeholders

Elected by the People, April 1, 1913

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May, 1914

ALABAMA TO THE  
STATE OF CALIFORNIA

## STATEMENT TO THE VOTERS

The Board of Freeholders was elected by the people April 1, 1913.

They at once recognized that the Charter to be drafted was the people's Charter, that the people should be consulted as to what the Charter should contain, and that the voters were entitled to full publicity of every action of the Board. Consequently, through the press by general invitation to every citizen, and by personal invitation to the present and former City officers, to each member of the Municipal Assembly and to the various business, civic, labor, professional, religious, social, political and other organizations throughout the entire City, the Board earnestly sought suggestions and urged their submission, either orally or in writing, to the Board. It also sought and received advice from recognized students and experts on municipal government throughout the United States. In consequence, from April to November, twice a week at each meeting representative citizens and expert students addressed the Board.

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In response to a City-wide demand for a correct statement of Charter progress, the Secretary, on February 7, 1914, sent such a statement to the proper officer of every organization, civic, business, labor, etc., listed in the City Directory. On March 5th a tentative draft was published and submitted personally to the head of each administrative branch of the City, asking for criticism and suggestions. Another re-print was published March 30th, and the final draft was adopted April 29th. Pursuant to Ordinance No. 27094, each article as adopted was published as advertising in the "New St. Louis Star" and the "Westliche-Post" and published in the other papers as news.

Criticism of the tentative work was freely asked and freely given. In many cases the criticism was merited and consequently changes were made. As a result the Charter is essentially the draft of the people; everyone in the City has had an opportunity to aid in formulating the Charter provisions and many have so done. The important provisions include:

1. The right of municipal ownership of public utilities of any kind whatsoever in the City—a right absolutely denied at

present. The City will have the greatest powers possible, including the right to provide for any desired humanitarian, educational, charitable and recreative service.

2. *One* house of legislation known as the Board of Aldermen. One house and strict ward representation is at present impossible under the Constitution of Missouri (Article IX, Sec. 22). As soon as the Constitution is changed, each ward will elect its own Alderman, but until then it is provided that each ward shall have an alderman who must reside in the ward from which elected, but he will be nominated and elected at large. This legislative body will perform legislative duties only. Such administrative matters as granting permits for awnings, drinking fountains, loading platforms, etc., now granted by the Municipal Assembly by ordinance, will be handled by the Administrative Body, the Board of Public Service, who will be competent administrators and have the time to consider each application.

3. The Initiative on a workable basis—5 per cent of the registered voters for a general election and 7 per cent for a special. The Board of Aldermen will have an opportunity to pass initiated ordinances. If not so passed, the proposed ordinance shall be submitted to the voters.

4. Referendum on ordinances. No ordinance (except strict emergency measures) will take effect for thirty days after adoption, and if within that time a petition signed by 2 per cent of the registered voters is filed with the Board of Election Commissioners the taking effect of such ordinance is postponed. Forty days more are allowed to secure an additional 5 per cent for submission at a general election or an additional 10 per cent for a special election. After the petition is filed the Board of Aldermen have an opportunity to repeal such ordinance. If they do not repeal it, then its adoption shall be submitted to the voters.

5. All elective officers may be recalled. The petition must be signed by 20 per cent of the registered voters, with 20 per cent of such voters in at least two-thirds of the wards of the city. No recall petition may be filed within six months after one takes office. This will prevent such petition being filed immediately after a close election and before the incumbent has had an opportunity to show his worth.

Objection to the recall found in certain Western cities

where the successor may be elected at the same time at which the question of the incumbent's recall is determined is obviated. Such an election confuses the issues. Under the proposed Charter the *sole* question will be as to whether the incumbent shall be recalled.

6. The efficiency provisions will require applicants for appointment or promotion to show their qualifications only by such fair and practical tests as will secure and retain in the employ of the City efficient service. All City officers and employes at the time the Charter takes effect will retain their offices and not be required to take an examination therefor. Under the proposed plan, the Efficiency Board may delegate to practical men the authority to test applicants and certify back results in order to insure the best qualified men from a practical standpoint. The appointing officer selects one of the three highest on the eligible list. Elective officers, heads of departments, heads of divisions, and their personal assistants or secretaries, are not subject to the efficiency provisions.

7. The administration of the City will be organized on business lines. The State Constitution provides that the voters of the City shall elect a Chief Executive. Under the proposed Charter the Mayor will *be* the chief executive. He will have power to accomplish results and will be responsible for results being also always under the control of the people through the Recall. Under the present system of checks and balances responsibility is beclouded and cannot be fixed.

The present large number of independent departments and offices is combined according to their functions, so as to insure efficiency and economy in operation. The Mayor, Comptroller and President of the Board of Aldermen, constituting the Board of Estimate and Apportionment, control the City's purse strings. A separate ordinance for salaries of employes may be submitted separate from the general appropriation bill to prevent the annual tie-up of salaries.

8. Provision is made so that in the largest measure the individual may be kept informed of what is being done in every department—and may have the right to suggest or criticize—and a Complaint Board is established whose duty it shall be to promptly investigate the complaint of any citizen either with regard to the conduct of the City government or of any public service corporation.

The foregoing is necessarily brief. Many other excellent provisions will be found by a detailed examination of the Charter.

WILBUR B. JONES,  
Secretary.

May 6, 1914.

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## ARTICLE I.

### Corporate Name and Powers—Wards.

Section 1. The inhabitants of the City of St. Louis, as its limits now are or may hereafter be, shall be and continue a body corporate by name "The City of St. Louis," and as such shall have perpetual succession, may have a corporate seal, and sue and be sued. It shall have power:

(1) To assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation.

(2) To adopt such classifications of the subjects and objects of taxation as may not be contrary to law.

(3) To make special assessments for local improvements.

(4) To contract and be contracted with.

(5) To incur debts by borrowing money or otherwise, and to give any appropriate evidence thereof.

(6) To issue and give, sell, pledge or in any manner dispose of, negotiable or non-negotiable, interest-bearing or non-interest-bearing bonds or notes of the city, upon the credit of the city, or solely upon the credit of specific property owned by the city, or solely upon the credit of income derived from and property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two or more of such credits.

(7) To expend the money of the city for all lawful purposes.

(8) To acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the city or State.

(9) To condemn private property, real or personal, or any easement or use therein for public use within or without the city or State.

(10) To take and hold property within or without the city or State upon trust; and to administer trusts.

(11) To acquire, construct, own, operate and maintain or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the city, its inhabitants or any part thereof.

(12) To grant franchises for public utilities.

(13) To regulate the construction, maintenance, equipment, operation, service, rates and charges of public utilities, and compel, from time to time, reasonable extensions of facilities for such service.

(14) To establish, open, re-locate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains and regulate the use thereof.

(15) To acquire, provide for, construct, regulate and maintain and do all things relating to all kinds of public buildings, structures, markets, places, works and improvements.

(16) To provide and maintain a harbor and wharves and regulate the use thereof, and impose wharfage and other charges therefor; license and regulate ferries and other boats; grant ferry privileges and regulate ferry charges; rent or lease for not exceeding twenty-five years portions of the wharf for any purpose tending to facilitate the trade of the city.

(17) To improve water courses and regulate the use thereof.

(18) To establish, impose and enforce water rates and rates and charges for public utilities or other service, products or conveniences operated, rendered or furnished by the city.

(19) To provide and maintain a sanitary system.

(20) To provide and maintain a fire department.

(21) To provide and maintain police and excise departments when permitted by law.

(22) To collect and dispose of sewage, offal, ashes, garbage and refuse, or to license and regulate such collection and disposal.

(23) To license and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade.

(24) To impose a license tax upon any business, vocation, pursuit, calling, animal or thing.

(25) To define and prohibit, abate, suppress and prevent or license and regulate, all acts, practices, conduct, business, occupations, callings, trades, uses of property, and all other things whatsoever detrimental or liable to be detrimental to

the health, morals, comfort, safety, convenience or welfare of the inhabitants of the city, and all nuisances and causes thereof.

(26) To prescribe limits within which business, occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained.

(27) To inspect, test, measure and weigh any article of consumption or use within the city.

(28) To establish, regulate, license and inspect weights and measures.

(29) To regulate the construction and materials of all buildings and structures; and to inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary prevent the use thereof and require any alterations or changes necessary to make them healthful, clean or safe.

(30) To abolish or prevent grade crossings and provide for safe crossings and compel any street, steam, electric railroad or other transportation company or companies affected thereby to pay all or a part of the cost thereof.

(31) To provide for the support, maintenance and care of children and sick, aged or insane, poor persons and paupers.

(32) To provide and maintain charitable, educational, recreative, curative, corrective, detentive or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services.

(33) To do all things whatsoever expedient for promoting or maintaining the comfort, education, morals, peace, government, health, welfare, trade, commerce or manufactures of the city or its inhabitants.

(34) To enforce any ordinance, rule or regulation by means of fines, forfeitures, penalties and imprisonment or by action or proceeding in its own courts or in any other court of competent jurisdiction or by any one or more of such means, and to impose costs as a part thereof.

(35) To exercise all powers granted or not prohibited to it by law or which it would be competent for this charter to enumerate.

Sec. 2. The enumeration of particular powers in this charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this article impair a power granted in any other part of this charter; and whether powers, objects or purposes are expressed conjunctively or disjunctively they shall be construed so as to permit the city to exercise freely any one or more such powers as to any one or more such objects for any one or more such purposes.

Sec. 3. The City is hereby divided into twenty-eight wards, bounded and numbered as the wards of the city now are; provided, that from time to time corrected ward boundaries may be established by ordinance which shall comprise, as nearly as practicable, compact and contiguous territory within straight lines, and contain as nearly as may be the same number of registered voters.

## ARTICLE II.

### Elections.

Section 1. A general city election shall be held on the first Tuesday in April, 1915, and every two years thereafter.

Sec. 2. At the general city election in 1917, and every four years thereafter, a Mayor and a Comptroller shall be elected each for a term of four years and until his successor qualifies.

Sec. 3. At the general city election in 1915 one Alderman from each odd-numbered ward shall be elected for a term of two years, and at the same election, and every four years thereafter, one Alderman from each even-numbered ward, and a President of the Board of Aldermen, shall be elected, each for a term of four years. At the general city election in 1917, and every four years thereafter, one Alderman from each odd-numbered ward shall be elected, each for a term of four years.

Sec. 4. Every elective City officer, including the President and members of the Board of Aldermen, shall be elected by a general ticket; *provided*, that whenever the constitution and laws of the State permit, each Alderman shall be elected only by the voters of the ward from which he is elected.

Sec. 5. The Board of Election Commissioners shall designate the day for holding any special election under the Initiative, Referendum or Recall provisions of this Charter.

Sec. 6. The Board of Election Commissioners shall cause a notice to be published at least three times in at least two daily newspapers in the City, the first insertion to be at least twenty days prior to the holding of any election under the Initiative, Referendum or Recall provisions of this Charter, such notice to state the time and place of holding such election and the general nature of each proposition or ordinance to be voted upon.

Sec. 7. Except as in this Charter otherwise provided, all elections shall be held and proceedings had in relation thereto as may be provided by law or ordinance.

Sec. 8. All necessary expenses incurred in preparing for and conducting any election under the Initiative, Referendum or Recall provisions of this Charter shall be paid as follows: The Board of Election Commissioners shall prepare its estimate of such expenses and submit same to the Board of Aldermen. The Mayor and Board of Aldermen must then appropriate the amount so estimated. The Board of Election Commissioners shall audit and approve all such expenses so incurred and certify them to the Comptroller, who must draw his warrant therefor on the Treasurer, who must pay the same. If no appropriation has been made for such payment the Treasurer shall charge the same to any fund not otherwise appropriated or to any fund available therefor, anything in this charter to the contrary notwithstanding.

Sec. 9. Whenever it may be done in harmony with the State Constitution and laws, the Board of Aldermen shall by ordinance provide for and regulate municipal elections and registration of voters and may provide by ordinance for non-partisan nominations, preferential voting, or proportional representation.

### ARTICLE III.

#### Recall.

Section 1. Any elective officer may be recalled by the voters of the City, or if he shall have been elected by the voters

of a ward or district, then by the voters of such ward or district, as hereinafter provided.

Sec. 2. A petition for such recall shall be signed by registered voters equal in number to twenty per cent of all the registered voters of the City at the time of the last preceding regular mayoralty election; *provided*, that in such number shall be included twenty per cent of the registered voters at said time in each of at least two-thirds of the wards of the City; *provided* further, that if the officer shall have been elected by the voters of a ward or district, the petition need be signed by only twenty per cent of all the registered voters therein at the time of said mayoralty election.

Sec. 3. The signatures need not all be appended to one paper, but all papers comprising the petition shall be uniform in character and shall each be verified by affidavit stating that each signature thereto was made in affiant's presence by, as affiant verily believes, the person whose name it purports to be. Each signer shall state, opposite his signature, his residence address. Any person shall be deemed a registered voter whose name is unerasd on the registration books.

Sec. 4. Each of the papers comprising the petition shall state the name and office of the officer whose recall is sought and ask for his recall before any signature is appended thereto.

Sec. 5. All papers comprising the petition shall be assembled by the petitioners and filed with the Board of Election Commissioners as one instrument, and within ten days thereafter said Board shall find and certify as to the sufficiency of the petition, stating the number of registered voters signing. If the petition is certified to be insufficiently signed, supplemental papers conforming to the requirements for the originals may be filed within twenty days thereafter, and said Board, within ten days after such supplements are filed, shall find and certify as to the sufficiency of the petition, so supplemented. If found still insufficiently signed, no further supplement shall be allowed, but a new petition may be filed.

Sec. 6. If such recall petition, with supplements, if any, be found sufficient, a certificate to that effect shall be mailed by said Board to the officer, and if he does not resign within ten

days after such mailing, said Board shall provide for submitting the question of his recall at the first election, at which it may lawfully be submitted, not less than thirty nor more than ninety days after such mailing, and if there is no such election, then at a special election to be held within such ninety days if legally possible, otherwise at the earliest day at which said question may be submitted at either a general or special election. Any such election, at any stage thereof, shall at once be discontinued upon the death, resignation or removal of the officer whose recall is in question.

Sec. 7. The ballot shall state the proposition, "Shall (name of officer) be removed from the office of (name of office)?" and to the right thereof, in bold type, the words "yes" and "no," one above the other. To vote for the recall of said officer the voter shall strike out the word "no," and to vote against such recall, the word "yes." If the majority of the votes cast thereon at said election shall be in favor of such recall, the office shall be vacant five days thereafter.

Sec. 8. No petition shall seek the recall of more than one officer, but several propositions for recall may be separately submitted at the same election on the same ballot.

Sec. 9. No recall petition shall be filed against any officer within the first six months or the last six months of his term nor within six months after a proposition for his recall has been defeated at an election.

## ARTICLE IV.

### Board of Aldermen.

Section 1. The legislative power of the City shall, subject to the limitations of this Charter, be vested in a Board of Aldermen, consisting of a President, elected as such by general ticket from the City at large, and twenty-eight members, one from each ward, to be known and elected by general ticket as Alderman from the ward from which elected.

Sec. 2. No person shall become an Alderman except he be a voter and at least twenty-five years of age and shall have been next before his election five years a citizen of the United States, three years a resident of the City, two years an as-

sessed taxpayer of the City, and one year a resident of the ward from which elected, nor who shall have been convicted of malfeasance in office, bribery or other corrupt practice or crime; and if any Alderman shall be so convicted or shall at any time not be a resident of such ward he shall thereby forfeit his office. The salary of each Alderman shall be eighteen hundred dollars per annum.

Sec. 3. The President of the Board of Aldermen shall preside at all its meetings and have the qualifications and forfeit his office for the causes provided with regard to the Mayor. His salary shall be three thousand dollars per annum.

Sec. 4. Whenever a member of said Board, other than the President, is absent from a meeting, he shall forfeit ten dollars of his salary and such forfeiture shall not be remitted; provided that forfeitures by one member shall not exceed eight hundred dollars in any one year.

Sec. 5. Any vacancy in said Board shall be filled for the unexpired term at the next general City or State election held fifty days or more after such vacancy occurs; provided, that whenever three or more vacancies exist in said Board such vacancies shall be filled at a special election; but no such special election shall be held within three months prior to any general City or State election.

Sec. 6. Said Board shall choose from its membership a Vice-President to act in case of the absence, disability or failure to act of the President; shall choose a Clerk, and may select any other officers and employees.

Sec. 7. Said Board shall be the judge of the qualifications of its members, except of its President, and a majority of all its members shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of absentees in such manner and under such penalties as the Board may provide.

Sec. 8. Said Board may determine the rules of its proceedings, subject to this Charter; arrest and punish by fine or imprisonment or both, any member or other person guilty of disorderly or contemptuous behavior in its presence; and with the concurrence of two-thirds of all its members, expel



a member for cause, after notice and upon a hearing. It shall have power, and may delegate it to any committee, to subpoena witnesses and order the production of books and papers relating to any subject within its jurisdiction; to call upon its own officer or the City Marshal to execute its process; and to arrest and punish by fine or imprisonment or both any person refusing to obey such subpoena or order. No fine for any one offense under this section shall exceed three hundred dollars nor shall any imprisonment for any one offense exceed ten days; but each day's continuance in any refusal as aforesaid shall be a separate offense. Its presiding officer or the chairman of any committee may administer oaths to witnesses. It shall keep a Journal of its proceedings, and the yeas and nays on any question shall at the desire of any member present be entered thereon. The proceedings of each meeting of said Board shall be published within five days in the paper or papers doing the City publishing.

Sec. 9. One session of said Board shall be held annually, beginning on the third Tuesday of April, and the Mayor may by three days' proclamation convene it in special session. All sessions shall be public and in the City Hall, subject to change of place in case of emergency.

Sec. 10. The style of ordinance shall be: "Be it ordained by the City of St. Louis, as follows:"

Sec. 11. No ordinance shall be passed except by bill and no bill shall be so amended in its passage as to change its original purpose.

Sec. 12. No ordinance shall be revived or re-enacted except by bill setting it forth in full, nor amended except by bill setting forth the ordinance or section amended in full, as amended.

Sec. 13. No bill, except a general appropriation bill which shall only embrace matters on account of which moneys are appropriated, shall contain more than one subject, which shall be clearly expressed in its title.

Sec. 14. The Board of Aldermen at any meeting held thirty days or more after any bill shall have been referred to a committee, shall, on motion of any member, determine by

the yeas and nays entered on the Journal, whether such committee shall be discharged from further consideration thereof.

Sec. 15. All amendments adopted shall be incorporated with the bill by engrossment under the supervision of a committee which shall report in writing such engrossment not later than the first meeting of said Board held more than three days after the order to engross.

Sec. 16. Every bill shall be read on three different days in open session before its adoption, and no bill shall become an ordinance unless a majority of all the members vote in favor of its adoption and the presiding officer signs the same in open session.

Sec. 17. Each bill shall be presented to the Mayor immediately after its adoption, but shall not be acted upon by him (except it be an emergency measure) within ten days after its adoption. He shall within twenty days after its presentation to him return it with his approval or disapproval endorsed thereon to the Board of Aldermen, or, if said Board shall have finally adjourned, to the Register. Failure so to return any bill within said time shall constitute approval thereof by the Mayor. If the Mayor approves the bill, or fails to return it as and when above provided, it shall become an ordinance, subject to the Referendum provisions of this Charter. If he returns it to the Register, with his disapproval endorsed thereon, after said Board shall have finally adjourned, but within said twenty days, it shall not become an ordinance. If he returns it to said Board, with his disapproval endorsed thereon, within said twenty days and before said Board shall have finally adjourned, said Board shall reconsider it. If, on such reconsideration, two-thirds of all the members vote to pass the bill, the presiding officer shall certify that fact thereon over his signature and thereupon the bill shall become an ordinance, subject to the Referendum provisions of this Charter; otherwise it shall not become an ordinance. If a bill contains several items of appropriation, the Mayor may disapprove one or more items while approving the others, and the items approved shall become an ordinance in like manner as a bill approved, and the items disapproved shall be proceeded with in like manner as a bill disapproved.

Sec. 18. In all cases under the two next preceding sections the vote shall be determined by yeas and nays and the names of the members voting for and against the bill shall be entered on the Journal.

Sec. 19. No ordinance, unless it be an emergency measure, shall take effect until thirty days after its approval by the Mayor, or thirty days after adoption over his veto.

Sec. 20. An emergency measure is any ordinance necessary for the immediate preservation of the public peace, health or safety and declared to be an emergency measure; any ordinance calling or providing for any election or vote by or submission to the people; any ordinance making an appropriation for the payment of principal or interest of the public debt, or for current expenses of the City government; any general appropriation ordinance; or any ordinance fixing any tax rate; but no ordinance granting, enlarging or affecting any franchise or amending or repealing any ordinance adopted by the people under the Initiative shall be an emergency measure.

Sec. 21. Every ordinance shall be immediately sent to the Register, and by him numbered, filed and preserved in his office. Every ordinance shall be published within ten days after its approval by the Mayor or adoption over his veto in the paper or papers doing the city publishing.

Sec. 22. There shall be a revision of the general ordinances every five years.

Sec. 23. The Board of Aldermen shall have power by ordinance not inconsistent with this Charter to exercise all the powers of the City, and provide all means necessary or proper therefor; also to do all things needful within or without the City or State to protect the rights of the City.

Sec. 24. No fine shall exceed five hundred dollars. Any one against whom any fine shall have been assessed, failing to pay the same and costs, shall be committed to the work-house or other place provided therefor, and to such labor as may be provided by ordinance, until such fine and costs shall be fully paid, at the rate of one day's imprisonment for each three dollars of fine; provided, that no such imprisonment

shall exceed one hundred days for any one offense, and provided further, that fines may be paid in installments in such manner as may be provided by ordinance, and provision may be made by ordinance for the detention, with the view to reform and cure, of habitual drunkards or other habitual delinquents, as may be defined by ordinance, for an indeterminate sentence not exceeding one year.

Sec. 25. Except as otherwise expressly provided in this Charter no money shall be expended except in consequence of appropriations made by ordinance, and no improvement involving any expenditure of money shall be ordered except by ordinance. No ordinance making, changing or transferring an appropriation or contemplating or involving the payment of any money shall be adopted unless the Board of Estimate and Apportionment shall have recommended or joined in recommending the same.

Sec. 26. The Board of Aldermen shall not have power to relieve or exempt any person from the payment of any tax, or from any burden imposed by law; nor to authorize the compromise of any disputed contractual demand, or any allowance on account thereof not provided for in the contract, except on recommendation of the Board of Estimate and Apportionment; nor to authorize the payment of any damages claimed for alleged injuries to persons or property, except upon recommendation by the City Counselor; nor to appropriate any money for charitable purposes, except such as shall be subject to the administration or supervision of the City; nor to sell, lease or otherwise dispose of the water works; nor to sell any of the City's real estate except by ordinance adopted by a vote of two-thirds of all the members; nor to acquire real estate by private purchase except by ordinance recommended by the Board of Public Service.

## ARTICLE V.

### The Initiative.

Section 1. The people shall have power, at their option, to propose ordinances, including ordinances proposing amendments to this Charter, and to adopt the same at the polls, with the same

effect as if adopted by the Board of Aldermen and approved by the Mayor, such power being known as the Initiative. It shall be exercised as hereinafter provided, subject to the provisions of this Charter.

Sec. 2. Such an ordinance shall be proposed by petition signed by registered voters equal in number to five per cent, or, in case the proposed ordinance is for the submission of an amendment to the Charter, ten per cent, of all the registered voters of the City at the time of the last preceding regular mayoralty election. Each of the papers comprising the petition shall contain the proposed ordinance in full and designate by names and addresses five persons as the committee of the petitioners.

Sec. 3. Each such petition and the papers comprising same shall be governed by, and proceedings shall be had thereon in accordance with, the provisions of Sections 3 and 5 of Article III concerning the Recall, but construing said sections with reference to the petition and the sufficiency thereof required by this article.

Sec. 4. If the Board of Election Commissioners find that the petition, with supplements, if any, is sufficient, it shall forthwith certify that fact, together with a copy of the petition, omitting signatures, to the Board of Aldermen. Unless the proposed ordinance is, without amendment, adopted and approved by the Mayor, or adopted, without amendment, over his veto, within sixty days after the regular meeting of the Board of Aldermen next after said certification, or unless four members of the committee of the petitioners shall, within fifteen days after the expiration of said sixty days, state in writing to the Clerk of the Board of Aldermen that there is no necessity for submitting the proposed ordinance to the voters, said Clerk shall forthwith certify the failure to adopt same to the Board of Election Commissioners. Said Board of Election Commissioners shall thereupon provide for submitting said proposed ordinance, in its original form, to the voters at the first election, at which such submission may lawfully be had, not less than thirty days after such certification to it by said Clerk, and if there is no such election within ninety days after such certification, and the petition shall be signed by registered voters equal in number to seven per cent, or in case

the proposed ordinance is for the submission of an amendment to the Charter, fifteen per cent, of all the registered voters of the City at the time of the last preceding regular mayoralty election, then such submission shall be at a special election to be held within such ninety days if legally possible, otherwise at the earliest day on which such submission may be had at either a general or special election.

Sec. 5. The ballots shall state the nature of the proposed ordinance, and to the right thereof in bold type the words "Yes" and "No", one above the other. To vote for such ordinance the voter shall strike out the word "No" and to vote against it, the word "Yes". If a majority voting on the proposed ordinance vote in favor thereof, it shall be an ordinance of the City, in effect ten days thereafter, and the Board of Election Commissioners shall certify a copy thereof and the fact of its adoption to the Register, who shall number said ordinance and file and preserve said copy and certificate in his office. Such ordinance shall be published and printed copies thereof made for distribution as provided for other ordinances.

Sec. 6. No ordinance adopted at the polls under the Initiative shall be amended or repealed by the Board of Aldermen except by vote of two-thirds of all the members, nor within one year after its adoption.

## **ARTICLE VI.**

### **The Referendum.**

Section 1. The people shall have power, at their option, to approve or reject at the polls any ordinance (except it be an emergency measure as defined in Section 20 of Article IV), such power being known as the Referendum and to be invoked and exercised as herein provided.

Sec. 2. If within thirty days after the approval by the Mayor of any ordinance (not an emergency measure) or its adoption over his veto, there is filed with the Board of Election Commissioners a petition purporting to be signed by registered voters equal in number to two per cent of all the registered voters of the City at the time of the last preceding regular mayoralty election, requesting that said ordinance be reconsidered and rejected or referred, then said Board shall certify that fact to

the Register and said ordinance shall not take effect except as hereinafter provided. Within ten days after such filing the said Board shall find and certify the number of registered voters signing said petition and what percentage said number equals of the entire number of said registered voters at the time of said election. If the percentage so found is less than the two per cent aforesaid, said Board shall certify that fact to the Register, the said petition shall not be supplemented, and said ordinance shall take effect. If the percentage so found is not less than two per cent but is less than seven per cent of all of said registered voters at the time of said election, then within thirty days after the certification of such finding there may be filed with said Board a supplemental petition, shown, by the affidavits appended thereto, to be signed by registered voters to a number which, with the number of registered voters who signed the original petition, equals in number said seven per cent. If such supplemental petition is filed, said Board shall within ten days thereafter find and certify the number of registered voters signing same and whether such signers, added to registered voters who signed the original petition, equal in number said seven per cent. If it finds that the aggregate number of such signers does not equal said seven per cent, or if the committee of the petitioners make the statement in writing as hereinafter mentioned, said Board shall certify the fact to the Register, no further supplementing shall be permitted, and said ordinance shall take effect. If said Board finds the original petition, or the original and supplemental petitions together, to be signed by registered voters equal in number to said seven per cent, it shall, forthwith after either such finding, certify that fact, together with a copy of the petition (omitting the signatures), to the Register and to the Board of Aldermen, and the latter Board shall reconsider said ordinance. If on such reconsideration the Board of Aldermen by a majority vote rejects said ordinance, it shall not take effect. If the Board of Aldermen fails to finally and wholly reject said ordinance within thirty days after such certification to it, then, unless four members of the committee of the petitioners, within fifteen days after said thirty days expire, state in writing to the clerk of the Board of Aldermen that there is no necessity for submitting said ordinance to the voters, such Clerk shall forthwith certify said failure to the Board of Election

Commissioners, which shall thereupon make provision for submitting such ordinance, in such form as it then shall be, to the voters; *provided*, that the final percentage of signers required to compel submission to the voters of an ordinance amending or repealing an ordinance adopted at the polls under the Initiative shall be three per cent instead of seven per cent as required in case of other ordinances. Such submission shall be at the first election, at which it may lawfully be had, not less than thirty days after the last mentioned certification, and if there is no such election within ninety days after such certification, and the original petition or the original and supplemental petitions together shall be signed by registered voters equal in number to twelve per cent of all the registered voters of the City at the time of the aforesaid mayoralty election, or if the Board of Aldermen shall by resolution so request, such submission shall be at a special election to be held within such ninety days if legally possible, otherwise at the earliest day on which such submission may be had at either a general or special election. If the majority of the votes cast thereon at the election shall be for such ordinance, it shall take effect within ten days after such election.

Sec. 3. The provisions of Section 5 of Article V concerning the ballots and manner of voting, the duties of the Board of Election Commissioners and the Register, and the publishing of ordinances and printing of copies thereof, shall govern like matters under this Article.

Sec. 4. The signatures need not all be appended to one paper, but all papers comprising any original or supplemental petition under this Article shall be uniform in character and shall each set forth the ordinance in full and contain the request mentioned in Section 2, and designate by names and addresses five persons as the committee of the petitioners, and each such paper shall be verified by an affidavit stating the number of signatures thereto and that each signature was made in affiant's presence, by, as affiant verily believes, the person whose name it purports to be; and all papers comprising an original or supplemental petition shall be assembled by the petitioners and filed with the Board of Election Commissioners as one instrument. Each signer shall state opposite his signature his residence address. Any person shall be deemed a registered voter within the mean-



ing of this Article whose name is uncrased on the registration books.

Sec. 5. If the provisions of two or more initiated or referred ordinances adopted or approved at the same election conflict, the one receiving the highest affirmative vote shall prevail in so far as such provisions conflict.

Sec. 6. Any person may present to the City Counselor at least twenty days prior to any election a written statement, not exceeding one thousand words, concerning any ordinance or recall proposition to be voted on at such election. The City Counselor shall at least ten days before such election prepare and cause to be published in the paper or papers doing the City publishing a fair summary of all such statements.

## ARTICLE VII.

### Mayor.

Section 1. The Mayor shall be the chief executive officer of the City and, except as by law or in this Charter otherwise provided, have and exercise all the executive power of the City. He shall exercise a general supervision over all the executive affairs of the City and see that each officer and employe performs his duty and that all laws, ordinances and charter provisions are enforced within the City. His salary shall be ten thousand dollars per annum. All process against the City shall be served upon him. He shall appoint and may remove all non-elective officers and all employes, except as otherwise in this Charter provided, but shall not remove any office, department or division head appointed by him, except for cause. He shall execute all deeds and conditional bonds made in the name of the City and see that all contracts with the City are performed and that all legal proceedings necessary to enforce or protect the rights or interests of the City are brought and diligently prosecuted. He shall have a seat and a voice and may introduce ordinances, but not vote, in the Board of Aldermen, and shall make recommendations and give information to said Board as to City affairs. He may remit, with or without conditions, fines, costs, forfeitures and penalties imposed for violation of any ordinance or charter provision, and shall annually make a report thereof to the Board of

Aldermen. He may examine the affairs and conduct of any department, board or office and require all officers to exhibit their accounts and papers and make reports to him. He shall annually appoint a certified public accountant to thoroughly audit all books, accounts and records relating to the fiscal affairs of the City and to report the result to him. A copy of said report shall be filed with the Register.

Sec. 2. No person shall become Mayor unless he be at least thirty years of age, and shall have been, next before his election, both a citizen of the United States and a resident of the City for five years and an assessed taxpayer of the City for two years, nor if he shall have been convicted of malfeasance in office, bribery or other corrupt practice or crime. If the Mayor be so convicted or become a non-resident of the City he shall thereby forfeit his office.

Sec. 3. During the Mayor's temporary disability or absence from the City his powers and duties shall devolve upon the President of the Board of Aldermen, or if said President be also absent or disabled, upon the Vice-President of said Board.

Sec. 4. The Mayor may be removed from office by the Board of Aldermen for crime or misdemeanor in office, for grave misconduct showing unfitness for public duty, or for permanent disability, three-fourths of all the members of said Board voting for such removal. The proceedings for such removal shall be upon specific charges in writing, which, with a notice stating the time and place of the hearing, shall be served on the Mayor or published at least three times in a daily newspaper. The hearing shall be public, and the Mayor shall have the right to appear and defend in person and by counsel, and have process of the Board to compel the attendance of witnesses in his behalf. Such vote shall be determined by yeas and nays and the names of the members voting for or against such removal shall be entered on the Journal.

Sec. 5. Whenever a vacancy occurs in the office of Mayor, the President of the Board of Aldermen shall become Mayor, and shall hold such office until a successor is elected and qualifies. Such election, if for an unexpired term, shall be at the first general City or State election held fifty days or more after such vacancy occurs. While so holding the office of Mayor a tempo-

rary vacancy shall exist in the office of the President of the Board of Aldermen. The Vice-President of the Board of Aldermen shall hold the office of President of said Board during any vacancy therein with the right of succession to the office of Mayor.

## ARTICLE VIII.

### Officers.

Section 1. The Mayor shall appoint the following officers at his convenience, to hold for the term for which he was elected and until their successors qualify: Assessor, Collector, Treasurer, Supply Commissioner, Register, City Counselor, City Marshal, City Court Judges, Clerk of City Courts, President Board of Public Service, Director of Public Utilities, Director of Streets and Sewers, Director of Public Welfare and Director of Public Safety.

Sec. 2. In addition to other qualifications required by this Charter, all officers and employes, except day laborers, and except in such cases requiring exceptional scientific, mechanical, professional or educational qualifications as may be determined by the Efficiency Board, must have resided in the City for at least one year and failing or ceasing so to reside, shall forfeit their office or employment.

Sec. 3. Every officer, and every employe holding a position upon an annual salary, shall, before entering upon his duties and within such time as may be provided by ordinance, take and subscribe, and file with the Register, an oath or affirmation that he has all the qualifications and is not subject to any of the disqualifications named in this Charter for the office or employment he is about to assume; that he will support the Constitution of the United States and of this State and the Charter and ordinances of the City; that he will be influenced only by the consideration of fitness in the appointment, promotion, demotion, suspension or discharge of officers or employes; that he will not expend nor authorize the expenditure of money otherwise than for adequate consideration and efficient service to the City and will faithfully discharge the duties of his office or employment.

Sec. 4. The Board of Aldermen shall determine by ordinance whether and when any officer or employe shall give a bond and the amount and character thereof, subject to the provisions of this Charter. Premiums on all bonds of officers and employes shall be paid by the City, subject to such regulations as may be provided by ordinance. If any person elected or appointed to an office shall fail to take, subscribe and file an oath or affirmation as aforesaid, or to give bond as required by this Charter or by law or ordinance, he shall forfeit his right to the office or employment.

Sec. 5. Each head of a department, office or division shall be responsible for the acts or omissions of officers and employes appointed by him, and may require bonds or other securities from them to secure himself.

Sec. 6. Any vacancy in any elective office, except in the Board of Aldermen, shall be filled by appointment by the Mayor until a successor is elected and qualifies. Such election, if for an unexpired term, shall be at the first general City or State election held fifty days or more after such vacancy occurs.

Sec. 7. The Board of Aldermen shall by ordinance fix or provide for the fixing of salaries or compensation of officers and employes, jurors and witnesses, subject to the provisions of this Charter. Payment for services of specialists or experts under Article XIII, Section 8, may be made either with or without an ordinance fixing the compensation for such services. All salaries or compensation under the classified service shall be uniform for like service. No salary in the unclassified service of the City shall be changed during the term for which the recipient was elected or appointed. No city officer shall retain any fees received by virtue of his office, but all fees shall belong to the City and be paid into the City Treasury daily, unless some other time is provided by this Charter or by law or ordinance.

Sec. 8. All salaries shall be paid at least monthly. Salaries fixed in this Charter at a certain sum shall be construed to mean not less than such sum, but no salary under the City shall exceed ten thousand dollars per annum, nor shall any officer or

employe receive any additional compensation for serving in any other capacity under the City while in such office or employment; nor hold any office or employment under the State or United States except in the militia or as notary public, nor have a personal interest, directly or indirectly, in a contract with the City; and no elective officer shall be a member of the general city committee of any political party. Any person guilty of any wilful violation of this section shall thereby forfeit his office or employment.

Sec. 9. Any elective officer (except a member of the Board of Aldermen), and any officer appointed by the Mayor to fill any elective office, may be suspended by the Mayor and removed by the Board of Aldermen for cause, three-fourths of all the members of said Board voting for such removal. Immediately upon any such suspension the Mayor shall notify the Board of Aldermen of same and within ten days shall file with the Board charges in writing against such suspended officer, which, with a notice of the time and place of the hearing, shall be served on such officer or published at least three times in a daily newspaper. The hearing shall be public, and such officer shall have the right to appear and defend in person and by counsel, and have process of the Board to compel the attendance of witnesses in his behalf. If the Board be not in session, the Mayor shall immediately call a special session to convene in not less than three nor more than ten days thereafter. If, upon a hearing, such officer be not removed, he shall be immediately reinstated in his office. The vote on such question shall be determined by yeas and nays, and the names of the members voting for or against such removal shall be entered on the journal. The clerk of the Board shall forthwith certify the action of the Board to the Mayor. The Mayor may appoint some suitable person to fill temporarily such office during the period of any such suspension.

Sec. 10. Each executive board and the head of each department or office (except those under the Board of Public Service, who shall report to said Board) shall at least annually on a day or days fixed by ordinance make a full report to the Mayor of the transactions of such Board, department or office for the year and shall furnish to the Board of Aldermen or Mayor at any time such information as either may require.

Sec. 11. All questions between officers as to their relative powers and duties shall be determined by the Mayor except as in this Charter otherwise provided.

Sec. 12. All City officers and employes except the Mayor, members of the Board of Aldermen, members of the Mullanphy Board, Efficiency Board, Complaint Board, City Plan Commission, Board of Engineers, Board of Examiners of Plumbers, Board of Children's Guardians, the Board in charge of the Zoological Park and such others as may be excepted by ordinance, shall devote their entire time to the duties of their office.

## ARTICLE IX.

### Register.

Section 1. The Register shall have custody of the City Seal, original rolls of ordinances, contracts, conditional bonds, title deeds, certificates and papers, and all other records, papers and documents not required by this Charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep such index thereof as may by ordinance be provided. He shall by his signature and the City Seal attest all instruments signed in the name of the City and all official acts of the Mayor; provide, and when required certify, as may be provided by ordinance, under his hand and the City Seal, copies of ordinances, records, papers and documents in his office; cause copies of all ordinances to be printed through the Supply Division and kept in his office for distribution; register and preserve in his office all oaths or affirmations by city officers or employes; may administer such oaths and affirmations; shall give such bond and appoint such deputies and employes as may be provided by ordinance. He shall receive a salary of four thousand dollars per annum.

Sec. 2. All blank licenses, tickets, receipts, permits, certificates or other blank forms as may be provided by ordinance shall be attested and issued by the Register, and delivered and charged to the Comptroller, who shall countersign and deliver them to the proper officers and take receipts therefor. All such blanks not used shall be returned to the Comptroller, who shall cancel and return them to the Register.

## ARTICLE X.

### Law Department.

Section 1. The Law Department shall consist of a City Counselor, five associate and two assistant City Counselors, and such other associates, assistants and employes as may be provided by ordinance.

Sec. 2. The City Counselor shall be the head of the Law Department; appoint all associates, assistants and employes in his department; shall, through said department, direct the management of all the litigation in which the City is a party, including service in the City Courts; represent the City in all legal matters and proceedings in which the City is a party or interested, or in which any of its officers are officially interested; advise the Board of Aldermen or any committee or member thereof and the Mayor and the heads of all departments, and through the Mayor and heads of departments all other officers of the City, as to all legal questions affecting the City's interest; and approve as to form all contracts, deeds, bonds and other documents to be signed in the name of, or made to or with the City. He shall render the Police Department all legal advice and services required by it. He shall receive a salary of eight thousand dollars per annum.

Sec. 3. The City Counselor and associate and assistant City Counselors shall be attorneys-at-law entitled to practice in all the courts in the State for at least three years previous to their appointment.

## ARTICLE XI.

### City Marshal.

Section 1. The City Marshal shall receive a salary of three thousand dollars per annum; execute and return all process, notices and orders of the Mayor, Law Department, Health Commissioner and City Court Judges, and all other process, notices and orders as in this Charter or by ordinance may be provided. He shall appoint such deputies and employes as may be provided by ordinance.

Sec. 2. In case the Police Department shall become a department of the City, the Marshal's functions shall devolve

upon it and be exercised in such manner as may be provided by ordinance, in which event the office of Marshal shall be abolished.

## ARTICLE XII.

### City Courts.

Section 1. There shall be two City Court Judges, who shall have been for at least five years licensed attorneys, one to be known as Judge of City Court One, and the other as Judge of City Court Two, each of whom shall receive a salary of three thousand dollars per annum.

Sec. 2. The Board of Aldermen may by ordinance adopted by the vote of two-thirds of all the members, increase the number of City Courts and Judges. It may, by ordinance, divide the City into judicial districts and regulate the jurisdiction thereof, and may from time to time alter same. Whenever any such Judge is absent or unable to hold court, the Mayor shall appoint an eligible person to act during such absence or inability, who shall receive such compensation as may be provided by ordinance. Such courts shall be held in places provided for by ordinance, and, in the absence of such ordinance provision, in such places as the Mayor may direct.

Sec. 3. The City Courts shall have jurisdiction of all cases arising under this Charter or any ordinance, subject to appeal by the City or the defendant to the St. Louis Court of Criminal Correction in like manner as provided by law for appeals from Justices of the Peace in criminal cases to their appellate courts; may punish contempts of court by fine not exceeding fifty dollars or by imprisonment not exceeding ten days, or both; enforce its orders and judgments as a court of record may, and render final judgment on any forfeited bond or recognizance returnable to such court, subject to an appeal, as in other cases.

Sec. 4. There shall be one Clerk for all the City Courts, who shall receive a salary of twenty-four hundred dollars per annum, and appoint such deputies and employes as may be provided by ordinance.



## ARTICLE XIII.

### Board of Public Service.

Section 1. There shall be a Board of Public Service, consisting of the President of said Board, and four Directors, who shall be known as Director of Public Utilities, Director of Streets and Sewers, Director of Public Welfare and Director of Public Safety. They shall be the heads of and exercise supervision over their respective departments hereby created, as follows: Department of the President, Department of Public Utilities, Department of Streets and Sewers, Department of Public Welfare and Department of Public Safety. They shall each receive a salary of eight thousand dollars per annum.

Sec. 2. The President of the Board and the Directors of Public Utilities and of Streets and Sewers shall be engineers of technical training, of at least ten years' experience, and qualified to design as well as to direct engineering work.

Sec. 3. Any member of the Board of Public Service may designate any officer in any department under said Board to act as his deputy, but such deputy shall have no vote on the Board.

Sec. 4. The Board of Public Service shall meet at least once each week at its office. The President of the Board shall preside at its meetings. A majority of said Board shall constitute a quorum for the transaction of business, but no final action shall be taken in any matter concerning the department of any absent member unless such matter has been made the special order of the day. Said Board shall furnish through its President to the Mayor and the Board of Aldermen such data and information as may be required, or which it may from time to time deem necessary; prescribe rules and regulations necessary and proper to carry out its functions; appoint a secretary and such other employes as may be provided by ordinance; and keep a record of its proceedings which shall be open to the public. Final action on any matter shall be taken by yeas and nays and entered on its record. An abstract of its proceedings shall be published in the paper or papers doing the City publishing.

Sec. 5. The Board of Public Service shall have power:

(a) To exercise supervision and control over the aforesaid departments and the heads thereof.

(b) To grant permits to occupy or use portions of any public ground, highways, streets, alleys, or other public places, consistent with the public use thereof and not inconsistent with any law or general ordinance, including permits for switch connections, and any such permit may be revoked by said Board at will; but this power shall never be deemed to vest in said Board the right to grant franchises.

(c) To grant permits, according to such general rules and regulations as may be provided by general ordinance, in relation to any private business required by ordinance to have a permit as a condition of or in connection with its conduct or operation.

(d) To accept or reject grants or dedications, absolute or conditional, of highways, streets, boulevards, parkways, alleys or other property for any public use. No plat of any addition or subdivision, or any plat or map attached to any deed, shall be filed or recorded in the Recorder's office unless the same shall first be approved by the Board as to public highways, streets, boulevards, parkways, alleys or other public places represented thereon, and the grades thereof, except plats accompanying judgments or orders of court in partition and other suits where such plats form a part of such proceedings.

(e) To establish the grades of the center line of all public highways, streets, boulevards, parkways and alleys. Upon demand of the owner of the property abutting on any public highway, street, boulevard, parkway or alley, the Board shall determine the grade of the line of said public highway, street, boulevard, parkway or alley forming the boundary line of such property.

(f) To control and conduct any and all engineering, construction and reconstruction work undertaken by the City, and to supervise all such work in which the City is interested. All plans and specifications for such work shall be prepared under the direction of the Board and be subject to its approval.

(g) To make such recommendations, exercise such powers and perform such duties as may be required of it by this Charter or by ordinance.

Sec. 6. Said Departments shall have divisions as herein established. The head of each department shall appoint all heads of divisions in his department and all officers and employes in his department not assigned to a division. The head of each division shall manage his division and appoint all officers and employes therein.

Sec. 7. All departments under the Board of Public Service shall co-operate, and the employes or assistants in any one department or division may, under the order of the Board, be temporarily utilized by any other department or division. All questions as to the distribution of powers or duties between such departments shall be determined by the Board.

Sec. 8. The Board may at any time, with the approval of the Board of Estimate and Apportionment, appoint specialists or experts in connection with any public work or improvement for which an appropriation has been made and pay for their services out of such appropriation.

Sec. 9. DEPARTMENT OF THE PRESIDENT. The Department of the President shall have charge and supervision of all public work and improvements undertaken by the City or in which the City is interested and prepare all plans and specifications therefor, except where such supervision, work or preparation is herein or by the Board of Public Service otherwise assigned or provided.

Sec. 10. DEPARTMENT OF PUBLIC UTILITIES. The Department of Public Utilities shall have general supervision over the maintenance, equipment, operation and service, and the assessment of rates and charges, of all public utilities owned or operated by the City. It shall execute or cause to be executed all ordinances regulating the construction, reconstruction, extension, maintenance, equipment, operation, service or rates of public utilities operating under franchises, licenses or permits, or compelling extensions of facilities for such service. The Director of said department shall make investigations

and reports in relation to any of the foregoing matters as may be provided by ordinance or required by the Board of Public Service, and in connection therewith shall have power to subpoena witnesses and order the production of books and papers relating thereto. He shall have charge of the supervision of City lighting, and of the municipal electric lighting plants and electrical equipment in City buildings.

Sec. 11. There shall be a Water Division in this department and the head thereof shall be known as the Water Commissioner. It shall have under its special charge the operation and maintenance of the water works and of all facilities for the acquisition and distribution of water. It shall assess water rates as may be provided by ordinance and make out the bills therefor and deliver same to the Comptroller who shall deliver them to the Collector, take his receipt therefor and charge him therewith on the Comptroller's books.

As long as any of the "St. Louis Water Bonds" or renewals thereof or bonds issued on the special credit of the water works or facilities remain unpaid the water rates shall be fixed at prices that will produce revenue sufficient at least to pay the running expenses of the water division and the interest on all such bonds and renewals.

Sec. 12. The accounts of all public utilities owned and operated by the City and dependent for their revenues upon the sale of their products or services shall be kept separate and distinct from all other accounts of the City, and shall contain proportionate charges for all services performed for such utilities by other departments, as well as proportionate credits for all services rendered.

Sec. 13. DEPARTMENT OF STREETS AND SEWERS. The Department of Streets and Sewers shall include street and sewer divisions.

(a) The Street Division shall have charge of the repairing, cleaning and maintenance of all public highways, streets, boulevards, alleys, bridges, wharves and levees; the sprinkling of streets and the collection and disposal of garbage, ashes and refuse, and except as otherwise provided by law or ordinance shall have charge of the enforcement and execution

of all ordinances relating to any of the matters referred to in this section or to the harbor.

(b) The Sewer Division shall have charge of the repairing, cleaning and maintenance of all sewers and drains and the disposal of sewage.

Sec. 14. DEPARTMENT OF PUBLIC WELFARE. The Department of Public Welfare shall include divisions of health, of hospitals, of parks and recreation, and of correction.

(a) The head of the division of health shall be known as the Health Commissioner. Said division shall have general supervision over the public health and shall see that the laws and ordinances in relation thereto are observed and enforced, and for that purpose the Health Commissioner is authorized and empowered, with the approval of the Director of Public Welfare, to make such rules and regulations, not inconsistent with this Charter or any law or ordinance, as will tend to preserve or promote the health of the City; to enter into, or to authorize and require any employe or police officer to enter into, and examine any building, lot or place within the City, and to ascertain the condition thereof so far as the public health may be affected by it; and to declare and abate nuisances as herein or by law or ordinance provided. Where, in the judgment of said Commissioner, the existence of a nuisance is plain and its continuance a danger to public health, he may declare such nuisance and danger, and enter such declaration in the records of his office. He shall then immediately abate such nuisance without notice. In all other cases before abating a nuisance on private property he shall give a hearing, after notice thereof given either personally to the owner or his agent or by posting on or near the premises, whereupon he may declare the nuisance and order its abatement. In case such nuisance is not abated as ordered, he shall abate the same. In case of abatement of nuisance on private property, the cost thereof may be assessed and collected as a special tax and be a lien on such property as may be provided by ordinance. Any person causing or maintaining any nuisance shall be liable to the City in a civil action for the expense incurred in abating such nuisance. Failure to

abate a nuisance after an order so to do as aforesaid shall constitute a misdemeanor, punishable as may be provided by ordinance.

Whenever any malignant infectious or contagious disease is prevalent in the City, or will probably become so, the Mayor may proclaim such fact to the inhabitants, and thereupon anything in this Charter or any ordinance to the contrary notwithstanding, the Health Commissioner, with the approval of the Director of Public Welfare and the Mayor, shall have power, until the Mayor shall proclaim that the occasion therefor is past, to take such steps, use such measures and incur such expense as may in the opinion of the Commissioner be necessary to avoid, suppress or mitigate such disease.

Said Commissioner shall keep a record of his acts and orders and shall file in his office all petitions, documents and papers belonging thereto. Copies of such records, petitions, documents and papers when certified by him or as may be provided by ordinance shall be prima facie evidence in any court of the facts therein contained.

All police officers shall observe the sanitary conditions in their districts and, through the Chief of Police, shall report to the Health Commissioner promptly, any disease or nuisance in the City.

The health division shall have charge of the registration of all births and deaths within the City. It shall have charge of the markets, the quarantine and the morgue, and the Health Commissioner, with the approval of the Director of Public Welfare, shall make all necessary rules for the government thereof.

(b) There shall be a Division of Hospitals which shall include, and have under its special charge and supervision the operation and maintenance of all the hospitals, infirmaries, medical laboratories, dispensaries and other charitable institutions of the city. The head of said division shall be known as the Hospital Commissioner.

(c) There shall be a Division of Parks and Recreation, which, except as may be otherwise herein or by law provided, shall have supervision and control of all public parks and places and of all facilities provided by the City for recreation, amusement or instruction, and execute all ordinances

of the City relating to the management or use thereof. It shall also exercise such supervision and control as may be provided by ordinance over public recreative functions, amusements and entertainments not conducted by the City. The head of said division shall be known as the Commissioner of Parks and Recreation. He shall appoint and control the City Forester.

(d) There shall be a Division of Correction, which shall include and have under its special charge and supervision the operation and maintenance of all detentive, penal and corrective institutions of the City. The head of said division shall be known as the Commissioner of Correction.

(e) The Board of Aldermen may by ordinance include in the Department of Public Welfare and make provision: for research and publicity concerning the causes of poverty, delinquency, crime and disease, or concerning other problems relating to the public health, morals and welfare, and to promote the education of the City with regard thereto; for free legal aid; for a municipal lodging house; for a City free employment bureau; and provide for such officer or officers in charge thereof as may be necessary.

Sec. 15. DEPARTMENT OF PUBLIC SAFETY. The Department of Public Safety shall include the following divisions:

(a) When the City is permitted by law to establish and maintain a police department, such department shall be a division hereunder. The head of said division shall be known as Police Commissioner. He may be removed, with or without cause, by the Director of Public Safety or by the Governor of the State.

(b) When the City is permitted by law to establish and maintain an excise department, such department shall be a division hereunder. The head of said division shall be known as Excise Commissioner. He may be removed, with or without cause, by the Director of Public Safety or by the Governor of the State.

(c) There shall be a division of Fire and Fire Prevention, which shall manage, control and conduct the fire department, and take all proper steps for fire prevention or suppression.

The head of said division shall be known as Chief of the Fire Department. In case of emergency, with the approval of the Director of Public Safety, he may purchase or hire whatever may be required for the emergency, with or without authority or appropriation by ordinance therefor. He or any assistant in charge at any fire shall have the same police powers at such fire as the Chief of Police, under such regulations as may be prescribed by ordinance. He may appoint a Fire Marshal, whose duty it shall be, subject to the Chief of the Fire Department, to investigate the cause, origin and circumstances of fires and the loss occasioned thereby and assist in the prevention of arson. The Chief of the Fire Department shall have charge of the fire and police telegraph and telephone systems.

(d) There shall be a division of Weights and Measures which shall execute all ordinances regulating or relating to weights and measures or the inspection thereof. The head of said division shall be known as the Commissioner of Weights and Measures.

(e) There shall be a division of Building and Inspection. It shall superintend all buildings belonging to or under the control of the City and have charge of the condemnation of unsafe buildings and the prevention of the use of buildings while unsafe, the granting of building permits, the inspection of all buildings in course of construction, the enforcement of all building ordinances; the supervision of all plumbing; the abatement of the smoke nuisance; and the inspection of all boilers, elevators and mechanical plants. The head of said division shall be known as the Building Commissioner.

## ARTICLE XIV.

### Public Welfare Boards.

Section 1. The Mullanphy Fund shall be administered by a Board of three members to be appointed by the Mayor for terms of one, two and three years, respectively. Each year thereafter the Mayor shall appoint one member for a term of three years. Members shall hold office until their successors qualify. The Board may appoint such employes as may be provided by ordinance.



Sec. 2. There is hereby established a Complaint Board to consist of three members to serve without compensation. Said members shall be appointed by the Mayor for terms of one, two and three years, respectively. Each year thereafter the Mayor shall appoint one member for a term of three years. Members shall hold office until their successors qualify. Said Board shall employ a secretary, and may appoint such other employes as may be provided by ordinance. It shall receive complaints against any department, board, division, officer or employe of the City, or against any public utility corporation, and examine the same. It shall recommend to the proper City or State authorities any action deemed advisable.

Sec. 3. Provision may be made in accordance with law or ordinance for: (a) a Board of Parole and Probation; (b) a Board of Children's Guardians; (c) a City Art Museum, and (d) a Zoological Park.

## ARTICLE XV.

### Department of Finance.

Section 1. The Department of Finance shall include the office of the Comptroller and the Assessment, Collection, Treasury and Supply Divisions.

Sec. 2. THE COMPTROLLER. The Comptroller shall have the qualifications and forfeit his office for the causes provided with regard to the Mayor; receive a salary of eight thousand dollars per annum; give bond to the City for not less than three hundred thousand dollars, and appoint one deputy comptroller and such other deputies and employes as may be provided by ordinance. The Comptroller shall be the head of the Department of Finance and exercise a general supervision over its divisions, over all the fiscal affairs of the City and over all its property, assets and claims and the disposition thereof. He shall preserve the credit of the City, and for that purpose, or in case of any extraordinary emergency of any kind, he may, with the approval of the Board of Estimate and Apportionment, and with or without any ordinance or other authority or appropriation therefor, draw warrants on the treasurer or effect temporary loans to pay

debts and judgments and other liabilities of the City, or to meet any such emergency, charging such warrants to any excess balances in appropriations made by the general annual appropriation bill and specifically reporting his action to the Board of Aldermen at its first meeting thereafter. He shall have a seat and a voice but no vote in the Board of Aldermen. He shall be the general accountant and auditor of the City and the records in his office shall show the financial operations and condition, property, assets, claims and liabilities of the City, all expenditures authorized and all contracts in which the City is interested. He shall require proper fiscal accounts, records, settlements and reports to be kept, made and rendered to him by the several departments and offices of the City, including the license collector's office so far as consistent with law, and shall control and continually audit the same, and prescribe forms, rules and regulations therefor and require their observance. He shall regulate the making of all requisitions for supplies. Except as by this Charter or by law or ordinance otherwise provided he shall prescribe and regulate the manner of paying creditors, officers and employes of the City. He shall audit all pay-rolls, accounts and claims against the City, and certify thereon the balance as stated by him and draw his warrant on the Treasurer therefor, but no pay-roll, account or claim, or any part thereof, except for the preservation of the credit of the City, or in case of extraordinary emergency as hereinbefore provided, shall be audited against the City unless certified by the officer having knowledge of the facts, and authorized by law or ordinance, and the amount required for payment of the same appropriated for that purpose by ordinance and in the Treasury. He shall see that no contract liability is incurred except for the preservation of the City's credit, or in case of emergency, as hereinbefore provided, without previous authority of law or ordinance. He shall, at least monthly, adjust the settlements of all officers engaged in the collection of the revenue. He may temporarily transfer employes from one division of the department of finance to any other division thereof. He shall have power to administer oaths. He shall receive and preserve in his office all books, vouchers and papers relating to the fiscal affairs of the City. He may destroy any documents, books, vouchers, papers or cancelled blank forms pertaining to any department, board or office if he, the City Counselor and the head

of such department, board or office certify that they are useless and the Board of Estimate and Apportionment so directs. He shall keep a register of all delinquent and special tax bills or other claims of the City in the nature of liens on property and shall release any such bill or claim thereon on proof of payment thereof.

Sec. 3. Any officer or employe in the Comptroller's office may be designated by him to draw warrants upon the Treasurer with the same effect as if signed by the Comptroller, such designation to be in writing, in duplicate, filed with the Mayor and in the treasury division; provided, that the Mayor may make such designation if the Comptroller be absent or disabled and there be no one in his office designated to act. Any such designation may be revoked by the Comptroller while acting as such by filing the revocation in duplicate with the Mayor and in the Treasury Division.

Sec. 4. ASSESSMENT DIVISION. The Assessment Division shall consist of the Assessor and such deputy assessors and employes as may be provided by ordinance.

Sec. 5. The Assessor shall have the qualifications provided with regard to the Mayor; receive a salary of five thousand dollars per annum, and before entering upon the duties of his office, take an oath similar to that required by law of county assessors. He shall be the head of the Assessment Division; appoint the deputy assessors and employes in his division; preserve all maps, plats, books and papers belonging to said division; cause all plats to be prepared, altered and corrected as required by law; receive lists, statements or returns of property; and furnish blanks and information to those desiring to appeal to the Board of Equalization.

Sec. 6. Each deputy assessor shall take the same oath as the Assessor and have the same powers, subject to his control, and shall have been a resident of the City for five years next before appointment.

Sec. 7. The Assessor and his deputies before entering upon their duties shall give bond to the State; the Assessor for twenty thousand dollars and the deputies each for five thousand dollars, or such other sums as may be fixed by ordinance. Each bond shall be executed in duplicate and one forwarded to the State Auditor, the other deposited with the Comptroller.

Sec. 8. The Assessor, or his deputies under his direction, shall severally assess all the taxable property, real or personal, within the City in the manner provided by law, and for that purpose the Assessor may divide and assign the work or any of it among them. They shall commence their assessment on the first day of June in each year, and complete the same, and the deputies make their final reports thereof to the Assessor, on or before the first day of January next following. The Assessor shall see that the assessment is made uniform and equal throughout the City.

Sec. 9. The Assessor shall make up the assessment books in proper alphabetical order from the reports made by the deputy assessors, the lists or statements made of property, his own view, or the best information he can otherwise obtain, and complete said books on or before the third Monday in March of each year.

Sec. 10. There shall be a Board of Equalization consisting of the Assessor, who shall be its president, and four taxpaying, property-owning citizens resident in the City for ten years next before their appointment, who shall be appointed annually by the Mayor on or before the second Monday in March. Each member shall take an oath similar to that required by law of members of County Boards of Equalization. Their compensation shall be fixed by ordinance.

Sec. 11. Said Board shall have the power and duty to hear complaints and appeals, and to adjust, correct and equalize the valuations and assessments of any taxable property, real or personal, within the City and to assess and equalize the value of any taxable property, real or personal, within the City and to assess and equalize the value of any taxable property, real or personal, omitted from the assessment books then under examination by them, and to adjust and correct the assessment books accordingly; provided, that if said Board proposes to increase any assessment or to assess any such omitted property, it shall give notice of the fact to the person owning or controlling the property affected, his agent or representative, by personal notice, by mail, or by advertisement, specifying when and where a hearing shall be granted.

Sec. 12. When the assessment books are completed the Assessor shall give two weeks' notice in at least two daily newspapers

that said books are open for inspection, and stating when the Board of Equalization will be in session.

Sec. 13. The said Board shall meet on or before the third Monday in March, annually, and remain in continuous session for at least three hours in the forenoon and at least three hours in the afternoon of each day, except Sunday, for four weeks and no longer. It shall have power to subpoena witnesses and order the production of books and papers, and any member may administer oaths, in relation to any matter within its jurisdiction. It shall hear and determine all appeals summarily, and keep a record of its proceedings which shall remain in the assessment division.

Sec. 14. Any person may appeal in writing to the Board of Equalization from the assessment of his property, specifying the matter of which he complains.

Sec. 15. After the assessment books have been corrected the Assessor shall make an abstract thereof showing the amount of the several kinds of property assessed and specifying the amount of value of all taxable property within the City, and certify thereon that the same is a true and correct abstract of all such property in the City so far as he has been able to ascertain. One copy of the abstract, verified by his oath, shall be delivered on or before the fourth Monday in May to the Mayor, and another to the State Auditor. The Assessor shall extend in said assessment books the State, school and city taxes and include in said books such matter as the law shall provide or the Comptroller require. The Assessor shall then cause tax bills to be made out for such taxes in such form as the law shall provide or the Comptroller prescribe, and deliver them with a duplicate schedule thereof to the Comptroller, who shall compare said bills with said books and schedule and test the footings, and then officially stamp said bills and deliver them with one schedule to the collector, and take his separate receipts: one for the aggregate of said bills, and another for the State taxes, which last receipt the Comptroller shall transmit to the State Auditor.

Sec. 16. The Comptroller shall hear and determine all complaints of manifest error in the assessment of property for taxes, and in all cases when it shall appear that any property, real or personal, has been erroneously assessed, cause the same to be cor-

rected on the assessment books, and certify to the State Auditor all such corrections for credit to the Collector. The Comptroller shall perform all duties and acts within the City, in regard to the "land delinquent list," the "sale of land for taxes," and the assessment books and tax bills that are imposed on county courts by general law; and make out the "back tax books" and the back tax bills required by law.

Sec. 17. The costs and expenses of the assessment for each year shall be paid by the City. The Comptroller shall, as soon as the amount is ascertained, certify the same to the State Auditor and obtain his warrant in favor of the City for one-half thereof as provided by law.

Sec. 18. The day after any instrument affecting the title to real estate is filed in the office of the Recorder of Deeds, the Recorder shall deliver to the Assessor an abstract thereof and to the Board of Public Service a copy of such abstract. The Assessor shall promptly change the plats in his division accordingly.

Sec. 19. COLLECTION DIVISION. The Collection Division shall consist of the Collector and such deputies and employes as may be provided by ordinance.

Sec. 20. The Collector shall have the qualifications provided with regard to the Mayor and be the head of the Collection Division. He shall receive such compensation as may be provided by law or ordinance. He shall collect all State, City and school taxes, wharfage, water rates and dramshop licenses, and may collect special assessments, and, unless otherwise provided by ordinance, all indebtedness and claims due the City, and daily pay the same to the City Treasurer, except the State taxes which shall be paid by him as provided by law, and except the school taxes which shall be paid by him to the Board of Education of the City monthly, or oftener when required in writing by the Treasurer of said Board. He shall collect license taxes as permitted by law. He shall appoint the deputies and employes in his division. Each deputy shall have all the powers of the Collector, subject to his control.

Sec. 21. The Collector, before entering upon the duties of his office, shall give bond to the State, as required by law, and

to the City, as may be required by ordinance. Said bond to the State shall be executed in duplicate and one filed with the Comptroller and the other with the State Auditor.

Sec. 22. The payment of all city and school taxes may be enforced in like manner as may be provided by law for enforcing the payment of State taxes.

Sec. 23. TREASURY DIVISION. The Treasury Division shall consist of the Treasurer, and such deputies and employes as may be provided by ordinance.

Sec. 24. The Treasurer shall have the qualifications provided with regard to the Mayor and be the head of the treasury division. He shall receive a salary of five thousand dollars per annum; before entering upon the duties of his office, give bond to the City for at least one hundred thousand dollars; and appoint the deputies and employes in his division. He shall receive and keep the money of the City, and pay out the same on warrants drawn by the Comptroller and not otherwise. All money belonging to the City received by any officer or agent thereof shall be deposited daily in the Treasury Division unless otherwise provided by law or ordinance, and any delinquency in this respect shall be reported promptly by the Treasurer to the Mayor and to the Comptroller. The Treasurer shall deliver duplicate receipts for all money received, one to the party paying, the other to the Comptroller, stating the source, the amount, and to what account credited. The Treasurer shall daily report the balance in the treasury to the Comptroller and to the Mayor.

Sec. 25. Depositaries of the City funds shall be selected and deposits made therein as provided by law or by ordinance recommended by the Board of Estimate and Apportionment.

Sec. 26. SUPPLY DIVISION. The Supply Division shall consist of the Supply Commissioner and such deputies and employes as may be provided by ordinance.

Sec. 27. The Supply Commissioner shall be the head of the Supply Division, receive a salary of five thousand dollars per annum; give bond as required by ordinance; and appoint the deputies and employes in his division.

Sec. 28. The Comptroller, Supply Commissioner and President of the Board of Public Service shall personally or by deputy

constitute the Board of Standardization, whose duty it shall be to classify and standardize all supplies and materials purchased by the City or used for municipal purposes, and prepare precise specifications for all supplies to be purchased through the Supply Division. The Board may maintain such laboratories or other methods of testing as may be necessary.

Sec. 29. Supplies for all departments, boards or offices, exclusive of material for public work or improvements, shall be purchased only through the Supply Division, according to such standards and specifications, if any, adopted or prepared by the Board of Standardization, and by advertising for proposals therefor. Bids may be for one or more, or all the articles advertised for, but there shall be a specific bid on each article. The award may be made to the lowest bidder for any article or to the lowest bidder for the entire requisition or any part thereof; but the Board of Standardization may reject any or all bids or any part of any bid. The Supply Commissioner may contract for supplies in any amounts or for any periods as may be approved by the Board of Standardization, and subject to the provisions of this Charter. In cases of emergency, to be determined by said Board, purchases may be made without advertising. Purchases in amounts not exceeding five hundred dollars under any one contract may also be made, with the written approval of the Comptroller, without advertising, after securing competitive bids, but there shall be no division of requisitions or contracts for the purpose of securing this privilege. The Supply Commissioner shall inspect and receipt for all supplies.

Supplies shall not be ordered or contracted for by the Supply Division unless the Comptroller shall certify that a fund is applicable for payment thereof.

Sec. 30. The Supply Commissioner shall have general supervision of the public printing and publishing and shall see that it is executed as may be provided by ordinance, letting the contract or contracts to the lowest bidder in conformity with the provisions of this article so far as they may be applicable. Until otherwise provided by ordinance, and except in condemnation proceedings, all newspaper publishing shall be in at least two daily newspapers, one in the English and one in the German language. Provision may be made by ordinance for the City doing its own printing and publishing.



## ARTICLE XVI.

### Board of Estimate and Apportionment.

Section 1. There shall be a Board of Estimate and Apportionment which shall consist of the Mayor, Comptroller and President of the Board of Aldermen. It shall keep a record of its proceedings and appoint an employe of the Comptroller's office to act as secretary without additional compensation.

Sec. 2. The head of every department, board or office shall furnish to the Board of Estimate and Apportionment such statements of receipts and expenses and estimates of receipts and requirements, of such department, board or office, as said Board of Estimate and Apportionment may require.

Sec. 3. The Board of Estimate and Apportionment shall submit to the Board of Aldermen, at the beginning of its annual session or as soon thereafter as possible, a statement showing the estimated receipts and requirements of each department, board or office for the current fiscal year and a comparative statement of receipts and expenses during the previous year, first however, affording taxpayers an opportunity to be heard thereon as may be provided by ordinance.

It shall also annually submit and recommend to the Board of Aldermen a bill appropriating the amounts deemed necessary for the use of each department, board and office for the current fiscal year and a bill establishing the City tax rates for the current year; provided, that the appropriations for payment of salaries and compensation of officers and employes may, in the discretion of the Board of Estimate and Apportionment, be embodied in a separate bill. The Board of Aldermen shall immediately proceed to the consideration of said bills and shall meet from day to day until they are finally acted upon. If such tax rates be not established by ordinance on or before the fourth Monday in May of any year, the rates last previously established shall be the rates for the current year. The Board of Aldermen may reduce the amount of any item in such appropriation bill, except amounts fixed by statute or for the payment of principal or interest of the City debt or for meeting any ordinance obligations, but it may not increase such amount nor insert new items.

Sec. 4. All appropriations shall be specific and in detail and be segregated according to the functions or kinds of work for which the money is appropriated.

Sec. 5. Except in the general appropriation bill and bills providing for the payment of the principal or interest of the public debt, no appropriation shall be made from any revenue fund in excess of the amount standing to the credit of such fund, and no appropriation shall be made from any fund for any purpose to which the money therein is not lawfully applicable.

Sec. 6. Any accruing, unappropriated City revenue may be appropriated from time to time by ordinance recommended by the Board of Estimate and Apportionment; and whenever an appropriation exceeds the amount required for the purpose for which it has been made, the excess or any portion or portions thereof may by ordinance recommended by the Board of Estimate and Apportionment be appropriated to any other purpose or purposes.

Sec. 7. All unexpended appropriated money, not appropriated by special ordinance for a specific purpose, shall at the end of the current fiscal year revert to the fund or funds from which the appropriation was made.

Sec. 8. A fiscal year as mentioned in this Charter shall commence on the second Tuesday in April of each year, or at such other time as may be provided by ordinance recommended by the Board of Estimate and Apportionment.

## **ARTICLE XVII.**

### **City Bonds.**

Section 1. Some of the purposes, hereby specifically authorized, for which bonds of the City may be issued and given, sold, pledged or disposed of on the credit of the City or solely upon the credit of specific property owned by the City or solely upon the credit of income derived from and property used in connection with any public utility owned or operated by the City or upon any two or more of such credits, are the following:

For the acquiring of land; for the purchase, construction, reconstruction or extension of water works, public sewers, buildings for the fire department, bridges and viaducts, subways, tun-

nels, railroads, street railroads, terminals, ferries, docks, wharves, warehouses, gas or electric light works, power plants, telephone and telegraph systems, or any other public utility; for hospitals, insane asylums, orphan asylums, poorhouses, industrial schools, jails, workhouses, and other charitable, corrective and penal institutions; for court houses, and other public buildings, public parks, parkways, boulevards, grounds, squares, river and other public improvements which the City may be authorized or permitted to make; and for paying, refunding or renewing any bonded indebtedness of the City.

The foregoing enumeration shall not be construed to limit any general provisions of this Charter authorizing the City to borrow money, or issue and dispose of bonds, and such general provisions shall be construed according to the full force and effect of their language as if no specific purposes had been mentioned; and the authority to issue bonds for any of the purposes aforesaid is cumulative and shall not be construed to impair any authority to make any public improvements under any provisions of this Charter or of any law.

Sec. 2. Bonds may be so issued as to be payable serially or subject to call.

Sec. 3. No bonds of the City, except bonds for paying, refunding or renewing bonded indebtedness, and except bonds payable only from proceeds of special assessments for local improvements, shall be issued without the assent of two-thirds of the voters of the City voting at an election to be held for that purpose. All forms, proceedings and other matters with respect to any such election and the amounts, purposes, issue and disposition of bonds may be prescribed by ordinance recommended by the Board of Estimate and Apportionment.

It shall not be necessary in the ordinance calling the election, in the notice of election, in the question submitted, or on the ballot, or in any of the matters preceding the said election, to state the amount of bonds proposed to be issued for each purpose, but it shall be sufficient if the ordinance and notice of election state the total amount of the bonds proposed to be voted upon at the said election and in general language the purpose or purposes for which such total amount of bonds is to be issued, and if two-thirds of the voters of the City voting at such election assent

to the issuance of such amount of bonds, then such amount may be issued and such bonds or the proceeds thereof may from time to time, by ordinance recommended by the Board of Estimate and Apportionment, be appropriated in any amount or amounts to the purpose or purposes for which such total amount was voted.

Sec. 4. The Board of Aldermen shall annually levy a tax which will yield not less than one million two hundred thousand dollars to be used exclusively for the payment of the bonded indebtedness of the City existing on the seventh day of April, 1890, and renewals thereof and interest thereon. That portion of each such annual tax levy not required for the payment of the interest maturing during the year on said bonded indebtedness and renewals, shall be credited to and shall constitute a sinking fund to be used exclusively for the payment of said bonded indebtedness and renewals. Such levy need not be made except for such interest after the amount in such sinking fund is sufficient to pay all such bonded indebtedness and renewals at maturity. The Board of Aldermen shall annually levy taxes sufficient to meet the sinking fund and interest requirements of each bond issue.

Sec. 5. In addition to the foregoing, until there is a sufficient sum in a sinking fund or funds to pay the "St. Louis Water Bonds" and renewals thereof and applicable thereto, the whole net income from the water works in excess of what may be necessary for (1) the ordinary construction, reconstruction, extension, operation and repair of the water works and facilities, (2) the interest on said water bonds, and (3) the running expenses of the water division, shall be credited to, and with the sinking funds heretofore created therefor constitute, a sinking fund to be used exclusively for the payment of said "St. Louis Water Bonds" and renewals.

Sec. 6. The Board of Estimate and Apportionment shall administer all sinking funds and in the course thereof may purchase with any sinking fund, as an investment therefor, bonds of the City, State or United States, preferably City bonds, and may provide for the payment of maturing bonds out of the sinking fund created therefor, and to that end sell bonds held in such sinking fund; provided, that all bonds purchased with the particular sinking fund created therefor shall not be regarded

as an investment or be reissued, but shall be canceled. Bonds forming part of any sinking fund and not required to be canceled shall be deposited in a safe deposit vault in the City to which access can be had only by at least two members of the Board of Estimate and Apportionment jointly, one of whom shall be the Comptroller. All interest earned on investments or deposits belonging to any sinking fund shall belong to such fund. Whenever the amount in any sinking fund exceeds an amount sufficient to pay all the bonds for which such fund is created, the Board of Estimate and Apportionment may transfer the excess to other sinking funds.

Sec. 7. All warrants for the payment of bonded indebtedness or for disbursements out of any sinking fund shall be approved by the Mayor and President of the Board of Aldermen.

## ARTICLE XVIII.

### Efficiency Board.

Section 1. There is hereby established an Efficiency Board, consisting of three members who shall be appointed by the Mayor for terms of one, two and three years respectively. Each year thereafter the Mayor shall appoint one member to serve for three years and until his successor shall qualify. No more than two members shall be adherents of the same political party, and no person holding any salaried public office shall be eligible to appointment as a member.

Sec. 2. The Board shall designate one of its members as chairman, shall appoint a secretary and may appoint such other officers and employes as may be necessary. The salary of the secretary and other officers and employes shall be fixed by the Board.

Sec. 3. The service of the City is hereby divided into the unclassified (not subject to the examination herein provided) and the classified service.

(1) The unclassified service shall include:

- (a) All officers elected by the people;
- (b) All heads of departments, offices and divisions;

- (c) The members of all boards appointed by the Mayor, or serving without compensation, however appointed;
- (d) One secretary, deputy or assistant and one stenographer for each officer or Board in the unclassified service, who are or may be provided by ordinance with such subordinates;
- (e) All officers of the Board of Aldermen;
- (f) Surgeons, physicians or other experts serving in a consulting or other capacity without compensation.
- (g) In addition to the above, on the unanimous vote of the Board, there may be included in the unclassified service such other offices or positions requiring exceptional scientific, mechanical, professional or educational qualifications as may be ordered by rule of the Board.

(2) The classified service shall comprise all not specifically included by this Charter in the unclassified service.

Sec. 4. The Board shall prescribe, amend and enforce rules for the classified service, shall keep minutes of its proceedings and records of its examinations, and shall make investigations concerning the enforcement and effect of these efficiency provisions and of the rules thereunder. It shall make an annual report to the Mayor.

The rules shall provide among other things:

(a) For the classification and standardization of all positions in the classified service.

(b) For open competitive examinations and tests, with public notice thereof, to test the relative fitness of applicants for positions in the classified service and for reasonable regulations concerning promotion, which shall include the recognition of efficient prior service.

(c) For the rejection of candidates who fail to comply with reasonable requirements as to age, residence, sex, physical condition and moral character.

(d) For the certification, as occasion may require, to the appointing authority, from the appropriate eligible list (com-

posed of the names of successful applicants in the order of their standing in examinations or tests) of the three persons standing highest on such list, or of the person or persons on such list when it contains three names or less.

(e) For temporary employment for not exceeding sixty days, without examination, in the absence of an eligible list.

(f) For transfer from a position to a similar position in the same class and grade, and for reinstatement on the eligible list of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.

(g) For the appointment of unskilled laborers in the priority of application after such tests of fitness as the Board may prescribe.

(h) For investigating and keeping a record of the efficiency of officers and employes in the classified service, and for requiring reports relative thereto from appointing officers.

(i) For the publication of the rules of the Board.

Sec. 5. The Board shall maintain a list of all persons in the City service, showing in connection with each name the position held, the date and character of appointment, and of every subsequent change in status. Each appointing officer shall promptly transmit to the Board all information required by it for the establishment and maintenance of said list.

Sec. 6. All examinations shall be practical and impartial and relate solely to matters which will reasonably test, in a practical way, the ability of the persons examined to perform the duties of the position for which appointment is sought. The Board may call on other persons to frame questions and conduct any examinations or tests and report the result thereof to it.

Sec. 7. The appointing officer may suspend or discharge or reduce in rank or compensation any officer or employe under him, with or without cause, except as in this Charter is otherwise provided. Should the officer or employe thus affected request it, the employing officer shall furnish him with a written statement of the reason or reasons therefor, and file a copy thereof with the Efficiency Board.

Sec. 8. No appointment or promotion in the classified service shall be made except from names certified by the Board as herein provided, or as herein provided for temporary service.

Sec. 9. All persons in the City service holding positions in the classified service, as established by this article, at the time this Charter takes effect, shall be entitled to retain their position until discharged, reduced, promoted or transferred in accordance with the provisions of this Charter. Employees of any public utility which may at any time in the future be taken over by the City, who are in the service of said utility at the time of such acquisition, shall come under the provisions of this efficiency system without examination, but vacancies thereafter occurring in said public utility service shall be filled as herein provided.

Sec. 10. It shall be unlawful for the treasurer or other public disbursing officer to pay any salary or compensation for service to any person holding a position in the classified service unless such person is holding such position in conformity with the provisions of this article.

Sec. 11. In any investigation conducted by the Board it shall have the power to subpoena witnesses and order the production of books and papers pertinent to the investigation and to administer oaths.

Sec. 12. No person in the classified service or seeking admission thereto shall be appointed, reduced, suspended, discharged or in any way favored or discriminated against because of his political or religious opinions or affiliations.

Sec. 13. Any person who shall wilfully, by himself or in co-operation with any other person or persons, defeat, deceive or obstruct any person in respect of his right of examination according to any of the rules prescribed by the Efficiency Board under this Article, or who shall wilfully and falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder or aid in so doing, or who shall wilfully make any false representations concerning the same or concerning the person examined, or who shall wilfully furnish to any person any secret informa-



tion for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed or promoted, or who shall solicit directly or indirectly any assessment or contribution for any political party from any person in the classified service, shall for each such offense be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by imprisonment for not more than one hundred days, or by both such fine and imprisonment.

## ARTICLE XIX.

### Franchises.

Section 1. All grants or renewals of franchises shall be subject to the right to amend, alter or repeal the same in whole or in part, and to forfeit the same at any time for misuse or nonuse; and subject always to the City's power of taxation and its authority to regulate rates, quality of use, service and products, and methods of conduct and operation; subject also to the right of the City at the end of ten years after the beginning of operation and at the end of every five year period thereafter, at its option to be exercised by ordinance, to acquire the plant and property used in the operation of the franchise, upon terms and conditions to be ascertained in the manner provided in the granting or renewing ordinance, but in no event is the franchise itself to enter as an element into such compensation. Upon such acquisition the franchise shall cease. Every such grant shall cease unless construction thereunder is begun within the time specified in the ordinance and completed with reasonable speed, and no grant shall be exclusive or for a longer term than fifty years. Any ordinance granting or renewing a franchise may also provide for regulating, from time to time, the amount of capitalization, indebtedness and expenditures of the grantee or assignee in operating thereunder. Such ordinance may also provide that the franchise shall be sold at public sale, and nothing in any such ordinance shall prevent the City from acquiring the property of any such utility by condemnation proceedings or in any other lawful way subject to the limitation of time herein provided.

Every grantee of a franchise for any public utility shall keep

such reports of its finances and operations as may be prescribed by ordinance, and the City may, at any time, examine its records and accounts. No ordinance granting or renewing a franchise shall be adopted until a report thereon in the form in which it is put upon its adoption has been made to the Board of Aldermen by the Board of Public Service with its recommendations as to the action that should be had thereon, nor until the bill and the report of the Board of Public Service, or a fair summary thereof, shall have been published as provided by ordinance. No franchise shall be assignable except with the City's approval expressed by ordinance.

Sec. 2. The Board of Aldermen shall at all times have full power, to be exercised by ordinance, over all public utilities now or hereafter existing in the City, and may regulate the charges for the use, service or product thereof and establish whatever requirements may be necessary to secure efficient use, service or products, and no terms or conditions contained in any grant shall limit or impair this power.

Sec. 3. The Board of Aldermen shall, in the granting or renewal of any franchise as herein provided, prescribe or provide for the character of construction and equipment, the kind and quality of use, service or product to be furnished; the rate to be charged therefor; manner in which the streets, public grounds, or other public property shall be used or occupied; and any other terms and conditions in the interest of the public, including, among others, provision for compensation to the City for the use of such streets, public grounds or property, based on a share in the gross or net receipts, or on the number of passengers transported, or number of cars owned or operated, or on any one or more of such bases, or on any other basis or bases.

Sec. 4. Street railroad companies shall keep the street between the rails and between the tracks and to the extent of at least twelve inches outside of each rail in perfect repair, and as nearly on a level with such rails as practicable, and that portion outside the rails shall be of the same material as the street itself or such other material as may be approved by the Board of Public Service, and give such bond or other security for compliance with the provisions of this section as may be provided by ordinance.

Sec. 5. Any street railroad company shall have the right to run its cars over the track of any other street railroad company in whole or in part, upon the payment of just compensation for the use thereof, under such rules and regulations as may be provided by ordinance.

## ARTICLE XX.

### License Taxes.

License taxes may be imposed by ordinance upon merchants, commission merchants, manufacturers, professions, auctioneers, hotels, restaurants, assembly buildings, halls and gardens, theaters, moving pictures, exhibitions, circuses, slot machines, dance halls, billiard and pool rooms, museums, shooting galleries, bowling alleys, retailers of beer, wine gardens, beer gardens, saloons, dramshops, brewers, distillers, agents, real estate agents, mercantile agents, second-hand dealers, junk dealers, junk peddlers, photographers, contractors, insurance companies, telephone companies, telegraph companies, steam railroad companies, electric and all other kinds of railroad companies, gas companies, electric companies, cold-storage companies, pipe lines, public utilities, pipes, poles, wires or conduits of public utility companies, livery stables, sales stables, public garages, aerial transportation vehicles, public vehicles, private vehicles, bicycles, street railway cars, public automobiles, private automobiles, automobile dealers, ferry and other boats, peddlers, hawkers, hucksters, billboards, publishers, newspapers, railroad ticket brokers, pawnbrokers and those engaged in loaning money, lenders on chattel mortgages, intelligence offices, agencies, rectifiers, undertakers, laundries, dye houses, dry cleaners, engravers, bankers and banking corporations, safe deposit establishments, trust companies, bonding companies, brokers, bond and stock brokers, express companies, transfer companies, towel supply companies, trading stamp companies, slaughter houses, storage houses and barber shops; and a separate license tax may be imposed for each place of business conducted or maintained by the same person, firm or corporation.

The foregoing enumeration shall not be taken to affect or impair the general power of the City to impose license taxes upon any business, vocation, pursuit or calling or any class or classes thereof now or hereafter not prohibited by law.

## ARTICLE XXI.

### Condemnation.

Section 1. Condemnation of or damage to private property, real or personal, or any easement or use therein, for public use, shall be effected as herein provided and as may be further provided by ordinance not inconsistent with this Charter. Upon the Board of Aldermen providing by ordinance, recommended by the Board of Public Service, (1) for the appropriation of any private property or any easement or use therein for any public use, or (2) for any public improvement or work which will damage private property, the City Counselor, in the name of the City, shall apply promptly, and in no event later than six months after such ordinance is effective, to the Circuit Court of the Eighth Judicial Circuit, or to any judge thereof in vacation, by petition setting forth the general nature of the public use for which the property is to be appropriated or damaged, a description of the property and the estate or interest therein in each instance which the City seeks to appropriate or damage, and praying the appointment of three disinterested commissioners to assess damages and benefits as hereinafter provided, to which petition the owners shall be made defendants by name, if known, and if unknown, by describing their claims and interests in such property and how derived by them. If the action affects the property of persons under guardianship, the guardians shall be made defendants; if the property of married women, their husbands shall be made defendants; if an estate or interest less than a fee, the persons having the next vested estate in remainder or reversion shall be made defendants or their interests will not be bound; but only persons in actual possession of and claiming title or who have record title appearing upon the proper records of the City to property affected, need be made defendants. Notice of the filing of the petition, describing the property to be taken or damaged, shall be filed and recorded in

the office of the Recorder of Deeds, otherwise purchasers of such property shall not be bound by the proceedings under the petition.

Sec. 2. Upon the filing of the petition, summons shall be issued, giving the defendants at least ten days' notice of the hearing on the petition; and the City Marshal shall serve such summons and make return as required by law for service and return of writs of summons. If the name or residence of any owner be unknown, or if any owner does not reside in the State, a notice giving the general nature of the petition, with a description of the property of such unknown or non-resident owners, and the day fixed for the hearing, shall be published once each week for four consecutive weeks, the last publication to be at least ten days before the hearing, in the newspaper publishing at the time the notices of said court.

Sec. 3. The Court, or a judge thereof in vacation, when notice has been given as herein provided, shall appoint three disinterested commissioners, freeholders resident in the City for five years next before their appointment, to assess the damages which the owners may severally sustain by such taking or damaging, and to assess benefits as hereinafter mentioned; provided, that the court or judge in appointing commissioners shall exclude from their consideration the assessment of all damages for the trial of which a jury has been duly demanded.

Any party entitled to and desiring trial by jury of his rights to compensation, shall file in the cause, before the appointment of the commissioners, written demand therefor, including therein a description of his property to be taken or damaged, and failure so to do shall be a waiver of the right of trial by jury. Upon such demand being filed the Court shall award a jury trial and proceed therewith as in trials of civil actions; but before final judgment shall be rendered on the verdict of the jury and before the commissioners shall make their report, the Court shall certify the verdict of the jury to the commissioners and they shall include in their report, with their separate findings, assessments and awards, the damages as assessed by the jury, reciting the fact. The claims for damages of all parties demanding jury trial in any action under this article shall be heard at the same time before one jury. The

commissioners shall assess damages for property appropriated or damaged for the trial of which a jury is not demanded as aforesaid.

Sec. 4. It shall be the duty of the commissioners, except as herein otherwise provided, in the condemnation or the damaging of property for highways, streets, boulevards, parkways, alleys, wharves, sewers, markets, public squares and parks, or widening or enlarging the same, or in the changing of grade of streets or other public ways or the making of other public work or improvements, to ascertain the value of the property proposed to be taken and the actual damage done to private property, but no allowance shall be made for improvements begun on property after service of summons on or notice by publication to the owner thereof as herein provided; and the public work, improvement or use contemplated shall not be considered in determining the value of property taken. For the payment of all such damages the commissioners shall assess against all the lots or parcels of property or interests therein especially benefited by the proposed public work or improvement, separately, and in the name of the several owners thereof, the amount that each such lot or parcel of property or interest therein so assessed shall be especially benefited by the proposed public work or improvement, and against the City the balance of the damages over and above the aforesaid special benefits assessed; provided, that in the opening of an alley there shall be assessed against the lots or parcels in the blocks in which the alley is opened benefits sufficient to pay all damages.

Sec. 5. The commissioners shall view the property to be taken, damaged or assessed; fix the benefit or taxing district; publish in said newspaper for ten days before beginning their assessment a notice of the boundaries of the benefit or taxing district and of the time and place at which they will assess such damages and benefits; hear the evidence submitted by the parties interested; assess the damages and benefits as of the date said ordinance became effective; and make report, in which at least two commissioners shall concur, of such assessment in writing and under oath to the Circuit Court. In such report the compensation allowed to and the benefits assessed against

each owner shall be separately stated. When the commissioners both assess benefits and allow damages against any one property owner they shall deduct the lesser from the greater.

Sec. 6. At any time after the commissioners file their report the City may pay into court the amount of damages assessed, less benefits, if any, and thereupon it shall be entitled to take possession of or damage the property, assuming the lien of all general taxes not then payable on property actually appropriated.

Sec. 7. Within twenty days from the filing of the commissioner's report, exceptions in writing thereto may be filed by any party interested, and upon such exceptions the Court shall review the report and may order, on cause shown, a new assessment by other commissioners, or make such other orders thereon as justice may require. The Court shall hear and dispose of such exceptions with all reasonable speed; and may itself assess benefits anew.

Sec. 8. The Court upon approving the commissioners' report shall render final judgment thereon reciting the report and adjudging that the City have and hold the property petitioned for, describing the same, for the purposes specified, upon payment of the damages less the benefits assessed in each instance; that so much of the report as is a judgment for benefits against specific property be a lien on such property for ten years from entry of the judgment, and prior to all other liens thereon; and that the City recover the respective benefits in excess of damages assessed in each instance against private property with interest from date of judgment and have execution therefor. The Clerk shall forthwith make and deliver a certified copy of such judgment to the Comptroller, who shall record the same in a book kept and conveniently indexed for that purpose. The Comptroller may, forthwith, and if no appeal be taken from such final judgment, he shall, at the expiration of the time for such appeal, forward a copy of the judgment to the Board of Aldermen; and within sixty days after the receipt of such copy, unless an appeal is pending, and, in no event later than sixty days after disposition of all appeals, the Board of Aldermen shall make an appropriation for the payment out of the City Treasury of the damages assessed in favor of each

party entitled less his benefits as determined by such final judgment, and the City Treasurer, on warrant of the Comptroller, shall cause payment to be made to the several parties entitled or into court for their use, as the case may require.

Should the Board of Aldermen fail to make such an appropriation the judgment for damages shall be collected by the owners concerned as other judgments against the City are collected; and if any part of such assessment of benefits be not paid when due, special execution shall issue on request of the Comptroller against the property charged with the lien, and proceedings thereunder shall conform, as near as may be, to the proceedings under special executions on ordinary judgments foreclosing liens on lands.

Should any such final judgment be reversed on appeal and a new assessment be ordered, the City or any defendant shall have judgment for any excess due by reason of payment having been made by such party under a prior final judgment in the cause.

Sec. 9. The losing party shall pay the costs caused by litigation subsequent to the filing of the Commissioners' report and the City shall pay all other costs, including the compensation of the Commissioners, which shall be five dollars per day for each Commissioner for not exceeding five days in any one action unless the Court makes an order allowing further time at like compensation.

Sec. 10. If the City dismisses any action for condemnation for any reason other than defect in the proceedings, it shall not begin a like action within ten years after such dismissal, unless upon the petition of the owners of three-fifths of the property to be taken or upon condition that the City shall pay all the damages assessed therein.

Sec. 11. In establishing, opening and widening boulevards and converting streets into boulevards or parkways, compensation shall be allowed to owners of property abutting thereon for damages occasioned by any limitation that may be put upon the owner's use of such property; and the City may regulate by ordinance the character of traffic and vehicles that shall be permitted on boulevards or parkways, prohibit the erection of any structure on property abutting on a boulevard or parkway out-



side a specified building line, and forbid the use of any property so abutting for all or any business purposes. An ordinance establishing a boulevard or parkway may be repealed, upon recommendation of the Board of Public Service, and thereupon the boulevard or parkway shall become a street, which, together with the property abutting thereon, shall be free from all restrictions imposed by the repealed ordinance. Damages and benefits resulting from such repeal after the boulevard or parkway has been opened shall be ascertained and paid as herein provided for establishing boulevards or parkways.

Sec. 12. When the City takes or damages private property for a public use other than those enumerated in Section 4 of this Article, all damages shall be ascertained as hereinbefore provided and shall be paid by the City.

Sec. 13. The vacation of highways, streets, boulevards, parkways, and alleys shall be provided for by ordinance recommended by the Board of Public Service, and easements and rights therein shall be condemned and the special damage and benefits caused thereby shall be ascertained and assessed, in the manner, by the proceedings and according to the rules hereinbefore prescribed as to other appropriating or damaging; provided, that benefits sufficient to pay all damages shall be assessed against the lots or parcels of land abutting the highway, street, boulevard, parkway or alley to be vacated.

Sec. 14. Nothing herein shall limit the power of the City, by ordinance, recommended by the Board of Public Service, to acquire property by private purchase, or to vacate any highway, street, boulevard, parkway or alley without proceeding hereunder when the owners of all property specially damaged petition therefor and waive all damages.

Sec. 15. Ordinances for appropriating or damaging property for markets, public squares, public parks, and other like public uses and improvements may provide for payment of the special assessments made on lands specially benefited by such uses and improvements in one installment or in equal annual installments not to exceed seven in number, in which event the judgments shall so recite; such judgments shall bear interest payable annually at the rate of six per centum per annum on any unpaid part thereof from entry until paid, but any part thereof not paid when

due shall thereafter bear interest at the rate of eight per centum per annum; and for the purpose of anticipating the collection of such judgments the City may issue and sell local improvement bonds, following the procedure, as far as the same is applicable, provided in Article XXIV for bonds issued in anticipation of the collection of special assessments to pay for local improvements; provided, that the City shall not be liable to pay bonds herein provided for, but the same shall be payable solely out of the collections of the particular judgments.

Sec. 16. Whenever it may lawfully be done, the Board of Aldermen, in the ordinance providing for the appropriation of private property or any easement or use therein for any highway, street, boulevard, parkway, park, wharf, bridge, viaduct, subway, tunnel or sewer, or providing for any public work or improvement which will damage or benefit private property, may provide for the appropriation in fee by the city of private property or any easement or use therein in excess of that actually required for such specific purpose, and in the same or a different ordinance may authorize the sale of such excess for value with or without restrictions.

Such excess shall be condemned and compensation therefor ascertained and rendered in the same proceeding, and in the same manner as near as may be, as the property, easement or use actually needed as aforesaid; provided, that the value of such excess shall be paid for by the City.

## ARTICLE XXII.

### Public Work.

Section 1. No ordinance for public work or improvements of any kind, or repairs thereof, shall be adopted, unless prepared and recommended by the Board of Public Service with an estimate of the cost endorsed thereon.

Sec. 2. Such ordinances shall authorize the particular work or improvement; specify the general character and extent thereof, the material to be used therein and in the alternative if desirable; the manner and regulations under which it shall be executed; the term for which it shall be guaranteed, if at all; the fund or source from which payment shall be made; that it

shall be done in accordance with detailed plans and specifications finally adopted and approved by the Board of Public Service before bids are advertised therefor; and shall contain a specific appropriation of an amount sufficient to pay the City's part of the estimated cost; provided that emergency work and repairs requiring prompt attention may be done under supervision of the Board of Public Service as provided by general ordinance.

Ordinances may provide for a greater work or improvement than can be paid for at the time out of an available fund in the City Treasury, in which event they shall provide that the work be let and done in parts as appropriations are made therefor.

Sec. 3. Before the Board of Public Service shall recommend an ordinance for any public work or improvement, including the construction or other improvement of any public highway, street, boulevard, parkway, ailey, sidewalk, or sewer, or any part thereof, to be paid for by special assessments, the Board of Aldermen, on recommendation of the Board of Public Service, shall establish a benefit or taxing district, and as to a sewer shall establish or shall have established a sewer district or joint-sewer district, against the property in which it is proposed to assess benefits for the payment in whole or in part of the cost and expense of such work or improvement; and the Board of Public Service shall thereupon designate a day on which it will consider the projected work or improvement and shall give two weeks' public notice in the paper or papers doing the City publishing, of the time, place and matter to be considered, and of the estimated cost of the work or improvement, which estimate may cover several classes of material.

Within three days after such hearing is concluded, the Board shall file in its office its decision, stating the class or classes of material and the work or improvement determined upon, if any. If within eighteen days after such decision the owners of the greater area of the land in such district shall file in the office of the Board of Public Service their written remonstrance against the proposed work or improvement, the Board, at its next meeting, shall reconsider and either reverse its action or transmit to the Board of Aldermen the ordinance authorizing the proposed work or improvement, together with said remonstrance.

Sec. 4. All public work, except emergency work or repairs requiring prompt attention, shall be let by the Board of Public Service in pursuance of the ordinance authorizing the same. It shall advertise for bids in the paper or papers doing the City publishing, three times, the last publication to be at least ten days before the day appointed for opening the bids (unless a different time and medium of advertising are prescribed in the ordinance), stating the general nature of the work and the time and place of receiving bids therefor. Bids submitted shall be sealed and accompanied by a cashier's or treasurer's check of a bank or trust company in the City, payable to the City Treasurer in the amount of the deposit required. Said Board shall let the work by contract to the lowest responsible bidder on the plans and specifications finally adopted, except as herein otherwise provided, first requiring a bond to be approved by it and the Comptroller. Said Board may reject any or all bids submitted and readvertise the work. Provided, that any ordinance for any public work or improvement to be paid for by special assessment or otherwise may authorize the Board of Public Service to do the same in a manner prescribed in such ordinance without letting a contract therefor.

Sec. 5. All contracts shall recite that they are subject to the Charter and that payments thereon of the City's portion shall be limited to the amount of the particular appropriation.

Sec. 6. All contracts for the construction of sewers shall provide that owners of property, with approval of the Director of Streets and Sewers, may make a connection during construction with the sewer or any temporary drain made by the contractor, payment to be made to him for such connection equal to the extra cost caused to him thereby.

Sec. 7. The Board of Public Service shall investigate written complaints that any public work or improvement is not being done according to contract and if well founded the Board shall immediately require the contractor to comply with the contract and pay the costs of such investigation.

Sec. 8. The Board of Public Service may let contracts for the grading and for the improvement of any public highway, street, boulevard, parkway, alley or sidewalk or portions thereof, separately, in which event the City may either im-

pose one special assessment to pay for the grading and another to pay for the improvement, or it may pay the cost of the grading and add the same to the cost of such improvement and include the cost of both the grading and improvement in one special assessment, the contractor reimbursing the City for the grading.

Sec. 9. If any property in a benefit or assessment district other than public highways, is not liable to any special assessment herein provided for, the City shall pay the part of the cost of the work or improvement which would otherwise have been assessed against such property.

Sec. 10. Ordinances for grading, regrading, preparing road-bed, placing foundation, building of superstructure, including curb, gutters, roadway, paving and cross-walks, and intersections of public highways streets, boulevards and parkways, or for reconstruction of any such work, shall provide for payment therefor by special assessment, as follows: one-third of the entire cost shall be levied and assessed against the lots or parcels of ground abutting on the work or improvement ratably by lineal feet so abutting, and the remainder of the cost shall be levied and assessed ratably by area against all the lots or parcels of ground within the benefit or taxing district, exclusive of public highways. The improvement of thirty feet of any wharf farthest from the stream may be paid for in like manner or at the City's expense.

Sec. 11. Ordinances for grading, regrading, preparing road-bed, placing foundations, and building of superstructure of all alleys, and all reconstruction and repairs thereof, including intersections of alleys and the crossing of sidewalks in the continuation of alleys, shall provide for payment therefor by special assessment as follows: one-third of the entire cost shall be levied and assessed against the lots or parcels of ground abutting on the work or improvement ratably by lineal feet so abutting, and the remainder of the cost shall be levied and assessed ratably by area against all the lots or parcels of ground abutting such alleys or having access thereto.

Sec. 12. Ordinances for the grading and preparing for and placing the superstructure, of sidewalks, or for the regrading and reconstruction thereof, with necessary intersections, shall

provide for payment therefor by special assessment levied and assessed against the property abutting thereon; provided that ordinances for grading or regrading of streets and boulevards may include as a part thereof the grading and regrading of the sidewalks thereon.

Sec. 13. At least one-fourth of the cost of reconstruction of any public highway, street, boulevard, parkway, sidewalk or alley done within ten years after the same has been fully paved shall be paid by the City.

Sec. 14. There shall be four classes of sewers, viz: Public, District, Joint-District and Private Sewers, as hereinafter defined, but otherwise without regard to the area drained, the size, character or purpose of the sewer.

Public sewers are those which have been or may be constructed or acquired and paid for wholly out of general revenue.

District Sewers are those which have been or may be constructed or acquired, under authority of ordinance, within the limits of an established sewer district, and paid for by special assessments upon the property in the district.

Joint-District Sewers are those which have been or may be constructed or acquired under the authority of ordinances uniting one or more districts and unorganized territory, or uniting districts or unorganized territory, into a joint sewer district, for the purpose of providing main, outlet, or intercepting sewers, for the benefit of such joint sewer district, and paid for by special assessment upon the property in such joint sewer district.

Private Sewers are those paid for by private parties constructing the same.

Sec. 15. All public, district and joint-district sewers shall be constructed along streets, alleys and other public ways whenever practicable; and no such sewer shall be built or acquired by the City except it be on a public way or a right-of-way owned by the City. Such sewers may be connected with any other sewer of any class or with a natural course of drainage.

Sec. 16. All ordinances for constructing, reconstructing or acquiring district and joint-district sewers shall provide for payment thereof by special assessment as follows: the en-

tire cost and expense shall be levied and assessed as a special tax ratably by area on all the lots or parcels of ground within the district or joint district, excluding public highways only.

Ordinances creating a joint-sewer district may provide for the construction of the sewer or sewers therein in one or more sections and for the levy and assessment of the cost of any section upon the completion thereof as a special tax in the manner herein provided.

If any district or joint-district sewer shall drain territory lying outside the City limits and not included in the district or joint district, the City shall pay so much of the cost of such sewer as would have been assessed ratably against such territory, if it were included in the district or joint district.

Sec. 17. The City may by ordinance recommended by the Board of Public Service acquire any private sewer by gift, condemnation or purchase and provide for reimbursement by special assessment in the manner hereinbefore provided to be levied against the property in the district or joint-district for which such private sewer is acquired; and an ordinance making a private sewer or any part thereof a part of a proposed district or joint-district sewer may provide that the contractor shall pay for such private sewer at the price fixed in such ordinance and the cost thereof shall be included in the total cost of constructing such district or joint-district sewer.

Sec. 18. When any public work or improvement, to be paid for in whole or in part by special assessment, is completed, the Board of Public Service shall cause the entire cost and expense thereof to be computed, and shall levy and assess such cost and expense or the part to be paid by special assessment, as a special tax, in accordance with the requirements of this article, and shall cause to be issued a special tax bill against each lot or parcel of ground liable in the manner provided by Article XXIII, or by ordinance not inconsistent therewith.

Sec. 19. Should it be necessary for any reason to reconstruct any district or joint-district sewer, the Board of Aldermen, by ordinance recommended by the Board of Public Serv-

ice, may establish the same or a different district for such reconstruction. It may also alter any district or joint district at any time before the construction of the sewers therein is completed.

Sec. 20. Private sewers shall be constructed, repaired and maintained and connected with other sewers at private expense under such restrictions and regulations as the Board of Public Service may prescribe, the City reserving the right to connect with, utilize and acquire such sewers

Sec. 21. The Board of Public Service may grant permits for the improvement of public highways, streets, boulevards, parkways, alleys and sidewalks by property owners, but such improvement shall conform to the established or proposed grades and to specifications approved by the Board.

Sec. 22. If any part of the work or material put into the improvement of a public highway, street, boulevard, parkway, alley or sidewalk can be utilized by the City in its improvement thereof, the Board of Public Service shall determine the amount that shall be credited to the owner of the abutting property for such work or material and adjust it in issuing special tax bills.

Sec. 23. The ordinance for any public work or improvement may require the Board of Public Service to levy the special assessment therefor immediately upon such ordinance becoming effective, such assessment to be based on the estimated cost and expenses of such work or improvement; and should any assessment so levied be insufficient to pay the entire cost and expenses of the work or improvement required to be paid for by special assessment, the Board of Public Service shall, on the completion of the work or improvement, levy a supplemental special assessment to pay the deficiency, in the same manner as nearly as may be as in the first special assessment; and should the whole of the original special assessment not be required to pay the cost and expenses of the work or improvement, the excess shall be credited ratably on the special tax bills or refunded to the parties who paid them.



**ARTICLE XXIII.****Special Tax Bills.**

Section 1. For all special assessments for public work or improvements under this Charter and ordinances adopted in pursuance thereof, special tax bills shall be prepared and signed by a person designated by the Board of Public Service by resolution entered on its records; and shall be made payable to the parties entitled, either at the Collector's office or at some bank or trust company in the City, at the option of the party so entitled. They shall be promptly registered and certified both in the office of said Board and of the Comptroller by persons designated by said Board and by the Comptroller respectively to make such registration and certificate, and then delivered by the Comptroller to the parties entitled and their receipts taken therefor; and the City shall not be liable in any manner for any work or improvement to be paid for in special tax bills.

Sec. 2. Any special tax bills may be divided, if the ordinance authorizing the particular work or improvement so provides, into any number of equal annual installments, not to exceed ten, whereof the first shall be due upon service of the notice hereinafter provided for or upon a "not found" return by the Marshal as hereinafter mentioned, and the other installments successively on the corresponding day of each subsequent year, with interest payable annually on each installment at the rate of six per centum per annum from such notice or "not found" return until maturity or prior payment and at the rate of eight per centum per annum after maturity.

All such special tax bills not payable in installments shall mature upon notice or "not found" return as aforesaid and draw interest at the rate of eight per centum per annum after maturity; provided, that the entire bill or any number of installments may be paid within thirty days after such notice or "not found" return without any interest.

Sec. 3. The owner of any special tax bill shall serve a written notice of the issuance thereof on the parties named therein, or the City Marshal at such owners' request shall serve such notice and make return of such service in the manner provided as to writs of summons in civil causes; and he shall

receive therefor the fees then allowed for serving such writs. Such Marshal's return shall be conclusive of the facts therein stated, and any person injured by a false return on any such notice shall have his right of action for damages resulting therefrom against the Marshal on his official bond.

Sec. 4. All special tax bills shall be prima facie evidence of what they contain and of their own validity, and no mere informality or clerical mistake in any of the proceedings leading to the issuance of or in any special tax bill shall be a defense thereto; provided, that if the work was not done in a good and workmanlike manner according to the class of work mentioned in the contract the property charged with the payment of said bill shall be liable only for the value of such work done, and the recovery on the special tax bill shall be reduced accordingly.

Sec. 5. All special tax bills shall be a first lien on the property charged therewith from the day of issuance thereof; provided, there shall be no priority between special tax bills issued under this Charter, regardless of the date of such bills. The entire bill or any installment thereof, together with interest, may be collected by action in any court of competent jurisdiction; and such action may be brought by attachment when the owner of the land affected is a non-resident of the State or after a "not found" return is made by the City Marshal on any such notice, in either which event the suit shall be equivalent to notice and a demand of payment.

Sec. 6. If any installment of any special tax bill or any interest thereon be not paid when due, then all remaining installments, together with interest thereon as aforesaid, shall, at the option of the holder if exercised by suit thereon, immediately become due; and a judgment on such bill shall bear interest at the rate of eight per centum per annum.

Sec. 7. Special tax bills and the lien thereof may be assigned and the place of payment thereof changed to the office of the Collector or to any bank or trust company in the City. But any such assignment or change of place of payment to be valid must be in writing, countersigned by the Comptroller or by one of his deputies, acknowledged before an officer authorized to take acknowledgments, and registered in the office of the Comptroller.

Sec. 8. It shall be the duty of the Collector to receive payment of all special tax bills made payable at his office and thereupon deliver the same receipted; and he shall, upon warrants of the Comptroller, pay over all such collections to the parties entitled. The persons paying any such bill shall be entitled to have the same satisfied on the register in the Comptroller's office, in whole or in part, as the case may be, immediately on presentation to the Comptroller of either the receipted tax bill or a receipt from the Collector or the proper bank or trust company showing such payment thereof; and the lien of any bill shall cease and be of no effect against the land charged therewith at the end of two years after the maturity of the bill or the last installment thereof, unless proceedings at law shall then be pending to collect the same, and written notice of the institution thereof setting forth when and in what court such proceedings were brought shall have been filed in the office of the Comptroller within ten days after the institution of such suit.

Sec. 9. If any ordinance authorizing a public work or improvement, or fixing a benefit or taxing district, shall be irregular, defective or invalid by reason of any omission, error or irregularity therein or in the proceedings leading to its adoption, or if for any reason it shall be necessary to the validity of any special assessment, the Board of Aldermen may, on recommendation of the Board of Public Service, adopt an ordinance ratifying all things done under or in pursuance of the original ordinance, and supplying, correcting and curing all such omissions, errors, defects and irregularities, and making such special assessment valid.

Sec. 10. Where public work or improvement has been done under an ordinance providing that it should be paid for by special assessment and the whole or part of such special assessment has been adjudged invalid for any reason other than the failure of the contractor to perform his contract, the Board of Public Service shall levy a new assessment and evidence the same by tax bills in the same manner and with like effect as if validly done hereunder in the first instance.

Sec. 11. Special assessments or tax bills evidencing the same may be amended by the officer or officers authorized at the time to prepare special tax bills or by the courts in proceed-

ings to enforce the same, to correct or supply descriptions, names and other errors, omissions and irregularities on the part of the city, and may be divided by said officer or officers at the request of any of the parties concerned according to divisions of the property made subsequent to the bills being prepared, and without affecting the interest on such amended or divided bill.

Sec. 12. The City by ordinance recommended by the Board of Public Service may, from time to time, make further provision by ordinance, not inconsistent with this Charter, for special assessments, the issuance of special tax bills therefor, the collection thereof, and all matters incidental thereto.

## ARTICLE XXIV.

### Improvement Bonds and Funds.

Section 1. The Board of Aldermen, by ordinance recommended by the Board of Public Service, in anticipation of the collection of a special assessment for any public work or improvement, may provide for the issuance of improvement bonds to be delivered to the contractor in payment for so much of the work or improvement as is payable by such special assessment, or to be sold by the City and the proceeds paid to the contractor in full for such work and improvement; provided, the City shall not be liable either to pay such bonds or to pay for such part of the work or improvement, but the bonds shall be paid only out of the particular special assessment in anticipation of which they were issued, and no such issue shall be in excess of the cost and expenses or estimated cost and expenses of the work and improvement and the interest on the bonds, which may be treated as a part of such cost, and all proceeds of said bonds shall be applied in payment of the cost and expenses of such work and improvement.

If the special assessment in anticipation of which such bonds are issued shall be payable in equal annual installments the particular bonds shall be payable serially, each series maturing with approximate regard to the several maturities of such installments; and all such special assessments shall be collected promptly by the City at its expense and applied.

whenever sufficient thereto after paying accrued interest on all such issue of bonds, to the redemption of one or more of such bonds in numerical order at maturity.

The form and denomination of such bonds; the date of maturity or maturities thereof not to exceed eleven years in any instance; the rate of interest thereon and date and place of its payment; the price at which they shall be sold, if to be sold; by what officers and in what manner they shall be executed and attested; and the place and method of payment, save only the fund out of which payment shall be made, together with other provisions and regulations concerning such bonds and not inconsistent herewith, shall be prescribed by the ordinance authorizing the particular issue.

Sec. 2. The Board of Aldermen, by ordinance recommended by the Board of Public Service, may appropriate out of the general revenue sufficient money to pay, or to provide a fund in advance to pay, such part of any improvement bond issue as the proceeds of special assessments securing same may prove insufficient to pay as they become due, not exceeding ten per centum of the amount of such bond issue, and provide for reimbursement, if possible, out of the proceeds of such special assessments after all such bonds and interest have been fully paid.

Sec. 3. The Board of Aldermen may, by ordinance recommended by the Board of Public Service, provide for the creation of a local improvement fund out of which the City shall pay in cash, to contractors or otherwise, the cost and expense of local improvements, and for the levy, assessment and collection of special assessments to cover such costs and expenses, the proceeds of which assessments shall be paid into such fund or funds.

Sec. 4. For the purpose of anticipating the levy and collection of any special assessment for any public work or improvement, the Board of Aldermen may, by ordinance recommended by the Board of Public Service, appropriate a fund to pay for the work or improvement as it progresses, and reimburse the City either by the issue and sale of local improvement bonds as in this Article provided, or by the collection of such special assessments.

Sec. 5. All special assessments contemplated by this Article shall be evidenced by special tax bills in accordance with the provisions of Article XXIII, so far as applicable, such bills to be made payable to the City, which shall be deemed the owner thereof, at the office of the Collector, to whom the Comptroller shall deliver the same and take his receipts therefor. The Marshal shall serve the notice of the issuance of such bills and make return of such service without receiving any fees therefor.

## ARTICLE XXV.

### General and Miscellaneous.

Section 1. The Board of Aldermen may by ordinance adopted by vote of two-thirds of all the members, on the recommendation of the Board of Estimate and Apportionment, discontinue any division established by this Charter, create new or additional divisions, and determine, combine and distribute the functions and duties of divisions, officers and employees.

Sec. 2. The raw material and finished products of manufacturers in the City, as well as all the tools, machinery and appliances used by them and the stock in trade and appliances of merchants in the City, may be taxed as a separate class under the laws of the State and a lower rate may be levied by the City on such property so classified than on real estate and other property, and the City may by ordinance levy a tax upon the sales made by manufacturers and merchants in the City.

Sec. 3. The Board of Aldermen may provide by ordinance for assessing against the abutting property the cost of planting shade trees and of removing from sidewalks accumulations of snow, ice and earth and for assessing against property the cost of cutting and removing therefrom noxious weeds and rubbish.

Sec. 4. Unless otherwise provided in this Charter all bonds shall be approved as to their sufficiency by the Comptroller. The bond of the Comptroller as to its sufficiency shall be approved by the Mayor. All official bonds shall, among other

things, be conditioned for the faithful performance of the duties of the office. For any breach of the condition of any bond, suit may be instituted thereon by the City, or by any person or persons in the name of the City, for the use of such person or persons.

Sec. 5. If at any time it appears to the Mayor or Comptroller that the surety or sureties on any official bond are insufficient, he shall require the officer or employe to give additional bond and if such officer or employe fails to give such additional bond within ten days after he shall have been notified, his office shall be vacant.

Sec. 6. A contingent fund shall be provided by ordinance for the Mayor, to be used by him at his discretion, and at the end of his term he shall make a report in general terms to the Board of Aldermen of the disposition thereof.

Sec. 7. Any reference in this Charter to the Board of Election Commissioners shall be taken to include any Board or person having charge of elections in the City.

Sec. 8. The City in taking an appeal in any judicial proceeding shall give bond as required by law, but need not furnish security therefor.

Sec. 9. All contracts relating to City affairs shall be in writing, signed and executed in the name of the City. In cases not otherwise provided by law or ordinance, they shall be made by the Comptroller, and in no case by the Board of Aldermen or any committee thereof. Contracts not made by the Comptroller shall be countersigned by him, and all contracts shall be filed and registered by number, date and contents with the Register.

Sec. 10. All books, records and papers in any department, office, or division shall be open to the Mayor, Comptroller or any committee of the Board of Aldermen.

Sec. 11. The Mayor may appoint any number of civil engineers as City Surveyors for a term of four years, whose duties and powers shall be as provided by law in regard to County Surveyors. Each City Surveyor shall when appointed give bond to the City for fifteen thousand dollars, conditioned for the faithful performance of his duties. Such bond may

be sued upon by any person injured by the official acts of such surveyor.

Sec. 12. All publications not otherwise herein provided for shall be published in the paper or papers having the contract to do the City publishing at the time.

Sec. 13. Any board or officer authorized by this Charter to subpoena witnesses and order the production of books and papers shall have the services of the City Marshal to execute process, and provision shall be made by ordinance for punishing failure to obey any such subpoena or order.

Sec. 14. Except in case of emergency not to exceed eight hours shall constitute a day's work for all mechanics and laborers employed by the City, and not less than the prevailing rate of wages shall be paid.

Sec. 15. Where the word "office" is used in this Charter to indicate a branch of the city government, it shall be construed to refer to any branch not in or under any department, and shall include the office of the Mayor, Register, Marshal, City Court Judges and Clerk of the City Courts.

Sec. 16. Unless the context indicates a different intent and except when referring to a person holding an office or employment under the City the words "person" or "persons" in this Charter will be construed to include person, firm, corporation, company or association and the plurals thereof.

Sec. 17. The Board of Aldermen may by ordinance make any provision necessary to carry into execution the laws of the State relating to State, school, City and other revenue; and any power, duty or trust under the laws of the State, vested in or imposed upon any body or officer of any county or of this city by the laws of the State may be exercised by such body or officer of the City as may be provided by ordinance consistent with the provisions of this Charter.

## SCHEDULE

Section 1. All ordinances or parts thereof in force when this Charter takes effect and not inconsistent therewith shall continue in force until amended or repealed; and all rights, actions, prosecutions and contracts of the City, or for its



benefit, all recognizances, bonds, obligations and instruments entered into or executed to the City, all fines, taxes, penalties and forfeitures due or owing to the City, and all writs, prosecutions, actions and causes of action, shall be valid and continue unaffected by this Charter taking effect.

Sec. 2. All ordinances authorizing or contemplating the appropriation or damaging of private property for public use or authorizing public work or improvements in force when this Charter takes effect, and all things done thereunder, shall remain valid, and subsequent proceedings thereunder, including those in pending condemnation proceedings, shall be conducted as nearly as practicable in accordance with the provisions of this Charter.

Sec. 3. Any assessment for taxation commenced before this Charter takes effect shall be availed of and completed by the assessor and his deputies under this Charter, and the same and any taxes based thereon shall be valid notwithstanding any change effected by this Charter.

Sec. 4. Ordinances, or parts thereof, not inconsistent with this Charter, referring to any present body, board, officer or employe, shall be construed to refer to the body, board, officer or employe having the same or similar powers or duties under this Charter or ordinances consistent therewith.

Sec. 5. Ordinances authorizing a fine or punishment greater than is permitted by this Charter shall continue valid so far as to authorize a fine or punishment not exceeding the limitations of this Charter.

Sec. 6. Whenever any approval, order or action by any board or officer, discontinued by this Charter, is required by any law or present ordinance as a condition precedent to any payment, commitment to any institution or other action by any city officer, it shall be sufficient to obtain such approval, order or action from the body, board or officer having the same or similar power in the premises under this Charter, and if there be no such board or officer, such approval, order or action may be secured from the mayor until otherwise provided by ordinance.

Sec. 7. It shall be the duty of all boards, commissions and officers whose powers or duties are vested in others by this Charter, to turn over all books, records, property and funds to such others, and if any board, commission or office be abolished without the duties thereof being vested in others the incumbents thereof shall turn over all books, records, property and funds to the Comptroller.

Sec. 8. The present Municipal Assembly, with its present officers or such as the respective houses may lawfully choose under the present Charter, shall continue until the first Monday in April, 1915, with all the powers and duties given to the Board of Aldermen by this Charter, and subject to its provisions; and until said date the provisions of the present Charter with regard to the filling of vacancies in the office of Mayor or the temporary performance of the duties of the Mayor shall remain in force.

Sec. 9. All terms of office of present officers and employes, except those terms expressly saved or continued by this Charter, are abolished.

Sec. 10. The present city officers mentioned in this section shall hold office under this Charter and subject to its provisions, as follows: the present Mayor, Comptroller and City Counselor shall hold the like offices; the present Police Justices and District Assessors shall hold office as City Court Judges and Deputy Assessors, respectively; the present Street, Sewer, Water, Park, Health and Hospital Commissioners, Commissioner of Supplies and Commissioner of Public Buildings and Chief of Fire Department, shall hold office, respectively, as heads of the appropriate divisions created by this Charter; the present President of the Board of Assessors, President of the Board of Public Improvements and Inspector of Weights and Measures shall hold office as Assessor, President of the Board of Public Service and Commissioner of Weights and Measures, respectively; and all other present incumbents of elective offices made appointive shall hold such appointive offices. Each such present city officer shall continue in the office above provided for him to hold until the end of the term for which he was elected or appointed and until his successor

qualifies, with all the powers and duties given by this Charter to such office.

Sec. 11. The present jailer and all superintendents of institutions and the superintendent of fire and police telegraph, shall continue in office subordinate to the head of the appropriate division and subject to the provisions of this Charter.

Sec. 12. The present City Surveyors shall continue in office until the end of the terms for which they were respectively appointed.

Sec. 13. The office of City Auditor, as it at present exists, is abolished, but the present City Auditor shall continue in office until the end of the term for which he was elected. In the meantime he and the deputies and clerks under him shall be part of the Comptroller's office and under the control of the Comptroller.

Sec. 14. The City Attorneys' offices as such are abolished, but until the Law Department is organized in accordance with this Charter the City Counselor's office and the City Attorneys' offices shall constitute the Law Department and be under the control of the City Counselor.

Sec. 15. All persons now occupying positions which are created solely by ordinance not inconsistent with this Charter and which are not exempted from the efficiency provisions of this Charter, including those mentioned in Sec. 9 of Article XVIII, and all persons occupying positions which are so created and which are exempted from said efficiency provisions by subdivisions d and f of Sec. 3 of Article XVIII, shall continue in such positions, each in the appropriate branch of the city government and subordinate to the proper head officer. Where transfers of duties are effected by this Charter the Mayor may transfer any of said officers and employes to conform thereto. Tenure of office or employment under this section shall be subject to this Charter and the ordinances of the City.

Sec. 16. All present boards, commissions and officers created by Charter or ordinance and not provided for or authorized or expressly continued by this Charter, are hereby abolished, save only the City Plan Commission, Board of Engi-

neers and Board of Examiners of Plumbers, which said commission and boards until abolished by ordinance shall hereafter be appointed by and under the control of the Board of Public Service.

Sec. 17. The Mayor may, and on the written advice of the City Counselor shall, require any renewal or substitution of the official bond or security of any present officer or employe as a condition precedent to such officer or employe continuing in office; and any officer or employe failing to comply with any such requirement within fifteen days after being notified thereof shall thereby forfeit his office. It shall be the duty of the City Counselor forthwith on this Charter being adopted to examine all official bonds and securities and advise the Mayor whether on account of any changes effected by this Charter it will be necessary to require such bond or security to be renewed or substituted.

Sec. 18. Every present city officer or employe who, if appointed or elected, would be required by this Charter to take an official oath, shall take, subscribe and file such oath as provided in this Charter.

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# Board *of* Freeholders

CITY OF ST. LOUIS

Suite 329 Municipal Courts Building

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Jesse McDonald

Thomas J. Dalton

Samuel Rosenfeld

Edward Flad

Thomas J. Rowe

Frederick D. Gardner

Charles W. Rutledge

Charles Hertenstein

Selden P. Spencer

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